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Advancement of women

Activities of the International Research and Training Institute for the Advancement of Women

Report of the Secretary-General*

I. Introduction

1. The General Assembly, in its resolution 54/140 of 17 December 1999, took note with appreciation of the proposal for a new working method and structure of the International Research and Training Institute for the Advancement of Women (INSTRAW) through the establishment of an electronic Gender Awareness Information and Networking System (GAINS) (see A/54/500) and requested the Secretary-General to: (a) continue to provide support to INSTRAW, in particular in setting up the new structure and working method, by encouraging voluntary contributions to INSTRAW and its special projects; (b) report on the developments regarding the technical use of the official United Nations languages on the INSTRAW web site; and (c) fulfil the commitment made to take the necessary measures to correct the administrative anomalies noted in the report of the Joint Inspection Unit (A/54/156-E/1999/102). In the same resolution, the Assembly requested the Director of INSTRAW to ensure the preparation of a feasibility study of GAINS, for approval by the Board of Trustees.

2. At its substantive session of 2000, the Economic and Social Council, by resolution 2000/24 of 28 July 2000, requested the Secretary-General to include in his report to the General Assembly at its fifty-fifth session information on the progress made in securing an adequate financial base for the Institute's operational viability beyond 2000 and the progress made in addressing the administrative anomalies noted in the report of the Joint Inspection Unit.

3. The present report, submitted in response to the requests of the General Assembly and the Economic and Social Council, outlines the efforts and progress made in the revitalization of INSTRAW and highlights the persistent financial crisis that the Assembly urgently needs to address.

II. Feasibility study on the Gender Awareness Information and Networking System

4. Pursuant to General Assembly resolution 54/140, the Director of INSTRAW arranged for a feasibility study of GAINS to be prepared by independent consultants. The Institute contracted the services of Telecom/Telematique Inc., a multidisciplinary

* The late submission of the report is owing to the recent conclusion of the substantive session of the Economic and Social Council, at which its resolution 2000/24, on the revitalization and strengthening of the United Nations International Research and Training Institute for the Advancement of Women, was adopted.

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international telecommunications firm based in Washington, D.C., which conducted the study during January and February 2000.

5. During the preparation of the study, two of the consultants spent a week in Santo Domingo and held consultations with INSTRAW, governmental representatives, telecommunications companies, and hardware and software providers, among others. They also visited New York to exchange ideas and views on possible partnerships and collaboration. They met the Under-Secretary-General for Economic and Social Affairs, the Special Adviser on Gender Issues and Advancement of Women, representatives of the Division for the Advancement of Women and the United Nations Development Fund for Women (UNIFEM) concerning the WomenWatch web site, the Sustainable Development Networking Programme of the United Nations Development Programme (UNDP), the UNDP Learning Resource Centre, the European Union and interested permanent missions to the United Nations.

6. The study explains that, by using the GAINS system and methodology of work, INSTRAW would produce, manage and disseminate research-based knowledge to a wide range of stakeholders, users and beneficiaries. This would be done by means of the following: (a) a comprehensive, searchable, interactive database on gender-related resources; (b) the actual conduct and production of collaborative research and knowledge generation by a network of professional researchers throughout the world; (c) a think tank on emerging global issues and identification of research and training gaps and needs; and (d) access to and delivery of online training and capacity-building. The provision of these services will be enabled through a variety of new information and communications technology tools, such as the GAINS web site and pages, portal services for gender research and training, free email services, chat rooms, discussion forums, videoconferencing and full-service multimedia conferencing, groupware for collaborative research, online publishing, a gender-sensitive internal search engine, a searchable database and low-bandwidth access support, access to translation software on the web site, and an access facility for users with special needs.

7. The feasibility study found that the transition of the INSTRAW programme of collaborative research and training on women to the global electronic network is both feasible and essential. INSTRAW has the support and cooperation of its partners and stakeholders and the commitment of providers of information and communications technology, to ensure that GAINS can be effectively and efficiently built and operated from Santo Domingo, connecting researchers and trainers with users in every region and any country.

8. The study assesses that GAINS is clearly technically feasible and would constitute a cost-effective means of generating, managing and disseminating relevant knowledge and information. The technology is at hand, together with the commitments of partners to assist in design, development, building and operation of GAINS.

9. As requested by the General Assembly, the feasibility study also proposes an implementation plan and a budget for the establishment and operationalization of GAINS. There will be three phases in year one: phase I, the start-up phase which will focus on building the networks and web site and creating the database; phase II, which will focus on collecting the research in progress and establishing teams of collaborative researchers and putting them online; and phase III, which will focus on site support and adding functionality.

10. The feasibility study estimates the cost for year one at US$ 779,970. This covers the network costs, hardware, software, applications, installation and systems development costs, as well as the key experts to design and develop the content and launch the interactive, collaborative programme. Recurring costs for year two and beyond are estimated to be US$ 770,198 per year.

III. Establishment of the Gender Awareness Information and Networking System

11. The INSTRAW Board of Trustees, at its twentieth session held in Santo Domingo from 4 to 6 April 2000, approved the feasibility study of GAINS (see INSTRAW/BT/2000/R.3) and the GAINS system as the new working method of INSTRAW for research and training on the advancement of women. The Board recommended that the Institute give priority to the establishment of GAINS by deferring all other programmes and activities. Year one (May 2000-April 2001) would cover only phases I (May-October 2000)

and II (November 2000-April 2001), for a total cost of US$ 555,000 (US$ 215,000 for phase I and US$ 340,000 for phase II). The initiation of phase III is scheduled to begin in April 2001. Phase I activities include the preparation of the GAINS prototype and its presentation; the purchase and installation of adequate technological infrastructure (computer hardware and software, installation of telephone connections); the preparation and setting up of main services and tools (global database, development of networks of focal points and regional nodes, platform for research on women and gender issues, network of specialists in information and communications technology). Activities in phase II comprise the expansion of the database capacity in both research and training, setting up collaborative research projects and developing training programmes and modules for online training. The Board also recommended that the Director be given flexibility at the transition stage to use some of the core funds of INSTRAW for the start-up phase I, until such time as adequate resources could be secured for GAINS.

12. Pursuant to the decision of the Board of Trustees of INSTRAW, the preparation of the prototype web site of GAINS was immediately initiated. A company based in the host country was contracted to develop the front end of the web site. Special arrangements were made with the Sustainable Development Networking Programme of UNDP to develop the web site structure for the global database on research, training, information resources and materials, and interactive features such as listservs and chat sites.

13. Following the approval of GAINS by the Board of Trustees, the preparation of the prototype web site was immediately initiated by INSTRAW in time to present it to the international community at the twenty-third special session of the General Assembly, in June 2000. The need for INSTRAW to decentralize its services to the national level, in particular in developing countries, required the development of an extensive network of national focal points and regional nodes linked to GAINS to serve as outreach and feedback arms linking the global level to the local level, and vice versa. The process of setting up such focal points and nodes throughout the world has been initiated by INSTRAW and at present there are 44 GAINS national focal points and 9 GAINS regional nodes. The GAINS national focal points and regional nodes are women's organizations and networks experienced in information and communications technology which will ensure that women, in particular those who cannot access the Internet, will derive important benefits from the resources and services provided by GAINS through the global-to-local linkages.

14. The permanent and dynamic aspect of the functioning of GAINS required the establishment of a worldwide platform of leading scholars, research institutions and networks which will conduct collaborative research on women's and gender issues, addressing in the first instance the needs identified in the agreed conclusions on the critical areas of concern of the Beijing Platform for Action.[1] The GAINS knowledge-based platform was initiated in June 2000 and its membership is being expanded to include individual scholars and institutions from all United Nations regions, working through a virtual workshop to produce, exchange and disseminate research knowledge and information on women's and gender issues. At present, INSTRAW is reviewing two research proposals submitted by platform members for conducting global collaborative research on specific issues.

15. The GAINS web site serves as a gateway to the platform's activities, policies and work plans, membership, research documents, abstracts, conferences, and so forth. Through this facility, members of the network are able to post, store and access research findings, research papers and abstracts, and engage in discussions and conduct collaborative research online. Non-members will be able to access documents and relevant research output, and register online for membership, for participation at a particular discussion forum or for access to lists. Conference papers and proceedings, as well as input from the thematic discussion groups, forums and taskforces, are archived in the GAINS database on women and gender-related resources. Using GAINS facilities and tools, the platform for research will host global electronic conferences and will organize thematic discussion forums through listservs and email discussion groups on emerging global issues, as well as on the implementation of the mandates for research and training emerging from the five-year review of the outcome of the Fourth World Conference on Women.

16. Since one of the central goals of GAINS is to promote and facilitate the entrance of women into the information society of the future, INSTRAW has

initiated the establishment of a network of specialists in information and communications technology to engage in developing gender-sensitive policy relevant to the use and application of such technology for development; assessing the need for new software applications for research and training for the advancement of women and for development; conducting and sponsoring research initiatives for the production of knowledge on women, gender and information and communications technology; and exchanging views, ideas, news and good practices in mainstreaming information and communications technology for gender equality, and mainstreaming a gender perspective into the development of such technology.

17. The prototype of GAINS was presented to donors during the twenty-third special session of the General Assembly and at the information technology exhibit set up during the high-level segment of the substantive session of 2000 of the Economic and Social Council. The GAINS prototype can be accessed through the new INSTRAW web site <*www.un-instraw-gains.org*> and will be fully operational as adequate funds are secured.

18. In compliance with General Assembly resolution 54/140, INSTRAW has initiated the translation of the web site into other languages. The Spanish version was made available online in August 2000. The web site will be made available in other languages as specific funds for this purpose are secured. At present, negotiations are under way for the translation of the web site into French.

19. Owing to limited resources, the prototype of GAINS was developed using the existing human resources of the Institute. Phase I of GAINS (May-October 2000) is currently being implemented. Funding for phase II (November 2000-April 2001) is urgently required. GAINS will be fully operational after phase II, if adequate resources for that purpose become available.

IV. Secretariat activities

20. As required by the General Assembly in paragraph 12 of its resolution 54/140, the Secretary-General continued to provide support to INSTRAW in setting up its new structure and method by encouraging voluntary contributions for the revitalization of the Institute. Efforts were focused at several levels: former and potential donors and interested Member States, permanent missions, national officials and United Nations organizations. Requests for support were also directed at private sector foundations and other sources.

21. Upon completion of the feasibility study, a series of meetings with donors and other interested parties was organized by the Under-Secretary-General for Economic and Social Affairs and the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, in cooperation with the Director of INSTRAW. At one of these meetings in March 2000, the chief consultant presented the major findings of the feasibility study to the major donors and other interested parties. The Special Adviser and the Director of INSTRAW convened two other meetings of donors and interested States in May and June 2000, in connection with the twenty-third special session of the General Assembly. Participants discussed with great interest the design and implementation of GAINS, as well as the funding needs of the Institute. Several notes verbales and letters were dispatched, requesting contributions for INSTRAW and explaining the project and staffing needs for the various stages of the implementation of GAINS.

22. During the twenty-third special session of the General Assembly and during the substantive session of 2000 of the Economic and Social Council, demonstrations of the pilot projects were organized for delegations and non-governmental organizations by the staff of the Institute. Detailed explanations of the GAINS structure and purposes were provided. The demonstrations were used as opportunities to discuss the financial needs of the Institute.

23. At the inter-agency level, three meetings of the Inter-Agency Committee on Women and Gender Equality were organized by the Special Adviser to establish closer contacts between INSTRAW and other United Nations organizations and to seek the latter's support in the implementation of GAINS. INSTRAW was able to secure assistance from UNDP and many other organizations contributed expertise in reviewing the feasibility study and further plans of INSTRAW to implement the project.

24. At present, new directions for fund-raising are being explored. The Under-Secretary-General for Economic and Social Affairs and the Special Adviser are looking into the possibility of using some resources

from the Development Account. The Director of INSTRAW has also held special meetings with Member States, such as Canada, Japan, the Netherlands, New Zealand, the Republic of Korea, the Russian Federation and Spain; the European Commission; the International Organization of la Francophonie; non-governmental organizations and private foundations (see also E/2000/59).

25. In spite of active efforts deployed by the secretariat and the Director of INSTRAW, the endorsement of GAINS by the General Assembly, the Economic and Social Council and the Board of Trustees, and the repeated urgent appeals to Governments, the level of contributions has continued to decrease markedly and there are no indications that the situation will improve, as illustrated in the following table which lists the contributions received by INSTRAW since 1990:

Year	*United States dollars*
1990	2 313 742
1991	1 844 888
1992	1 924 082
1993	1 574 686
1994	1 488 288
1995	1 330 262
1996	1 103 395
1997	810 720
1998	810 233
1999	602 150
2000	201 408

Source: Department of Management.

The total of voluntary contributions received in 2000 was $201,408. The breakdown by country is shown in the annex table.

26. In response to paragraph 11 of Assembly resolution 54/140, concerning administrative anomalies, it can be reported that there has been no irregular payment of $243,000 to the former Chief of Administration of INSTRAW. The total amount of his pay and allowances for two months only, erroneously charged to INSTRAW after he left, was $18,837.40. This amount has been returned to INSTRAW and the Board of Auditors has been asked to verify its accuracy.

V. Conclusion

27. At its fifty-fourth session, the General Assembly welcomed the proposal of the Secretary-General on the new structure and working method of INSTRAW and urged Member States to support its implementation. In the past year, with minimal financial and staffing resources, INSTRAW has been able to initiate the process of its restructuring and revitalization, as requested by both the Assembly and the Economic and Social Council. During that time, the Secretary-General, the Under-Secretary-General for Economic and Social Affairs, the Special Adviser on Gender Issues and Advancement of Women and the Director of INSTRAW have made numerous efforts to secure support and adequate funding from Member States and elsewhere for the revitalization of INSTRAW through the establishment of GAINS. At present, the secretariat has not only complied with all requests of the Assembly to propose a strategy for the revitalization of INSTRAW but has also exhausted all attempts to persuade donors to contribute adequate funds to the Institute. Despite all of the efforts undertaken, INSTRAW has not received the support and funds required to ensure its revitalization and long-term institutional sustainability. At this juncture, and in the absence of significant additional contributions, INSTRAW will run out of funds in the early part of 2001 and will be closed. The only alternative would be the immediate receipt by the Institute of substantial contributions by Member States, together with the assurance of sustained multi-year contributions that would ensure the full revitalization of the Institute over the long term.

Notes

[1] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

Annex

Status of pledges and contributions to the International Research and Training Institute for the Advancement of Women as at 28 September 2000

	1999			*2000*		
	Pledged	*Paid*	*Outstanding*	*Pledged*	*Paid*	*Outstanding*
Austria	10 000	10 000			10 000	
Barbados		1 000			1 000	
Bolivia	1 000		1 000			
Brazil		5 000				
Chile				5 000		5 000
China	10 000	10 000		10 000		10 000
Colombia	500	500		2 000	342	1 658
Cyprus					2 000	
Dominican Republic		55 000				
Egypt		2 000		2 000		2 000
Greece	4 000	4 000		8 000		8 000
India	1 190		1 190	1 160		1 160
Indonesia						
Italy						
Jamaica						
Japan		80 000		65 000		65 000
Lesotho	771		771			
Luxembourg	17 647	28 943				
Maldives	500	500		500		500
Malta	1 000	1 000				
Mauritius				100		100
Mexico		10 000		10 000		10 000
Mongolia	500		500			
Morocco		2 000				
Netherlands	268 817	256 687		63 733		63 733
New Zealand						
Norway						
Pakistan		1 242				
Paraguay		3 496				
Philippines						
Republic of Korea		12 000				
South Africa	17 513	15 780				
Spain		57 181		292 608	146 304	146 304
Thailand	3 000	3 000		3 084	3 000	

	1999			2000		
	Pledged	*Paid*	*Outstanding*	*Pledged*	*Paid*	*Outstanding*
Tunisia	1 903	2 821			3 762	
Turkey	35 000	40 000		35 000	35 000	
Uganda				1 500		1 500
Venezuela						
Total	**373 341**	**602 150**	**3 461**	**499 685**	**201 408**	**314 955**

Source: Department of Management.

Note: The United Nations Development Programme is providing in-kind contributions for hosting and maintenance of GAINS. Canada is contributing technical staff.

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Agenda item 34 (b)
Oceans and the law of the sea

Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments

Report of the Secretary-General*

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* The deadline for receipt of submissions from States, intergovernmental and non-governmental organizations was 30 June 2000. However, most submissions were received at a much later date.

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I. Introduction

1. The General Assembly, at its fifty-third session, in its resolution 53/33 of 24 November 1998, took note with appreciation of the report of the Secretary-General on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments (A/53/473) and emphasized the useful role played by the report in bringing together information relating to the sustainable development of the world's marine living resources, provided by States, relevant intergovernmental organizations, regional and subregional fisheries organizations, and non-governmental organizations.

2. In the same resolution the General Assembly reaffirmed the importance it attached to compliance with its resolutions 46/215 of 20 December 1991, 49/116 and 49/118 of 19 December 1994, and 52/29 of 26 November 1997, as well as to the sustainable management and conservation of the marine living resources of the world's oceans and seas, and the obligations of States to cooperate to that end, in accordance with international law, as reflected in the relevant provisions of the United Nations Convention on the Law of the Sea, in particular, the provisions on cooperation set out in part V and part VII, section 2, of the Convention regarding straddling fish stocks, highly migratory species, marine mammals, anadromous stocks and marine living resources of the high seas.

3. The General Assembly therefore urged all authorities of members of the international community that had not done so to take greater enforcement responsibility to ensure full implementation of the global moratorium on all large-scale pelagic drift-net fishing on the high seas, including enclosed seas and semi-enclosed seas, and to impose appropriate sanctions, consistent with their obligations under international law, against acts contrary to the terms of resolution 46/215.

4. The General Assembly also called upon States that had not done so to take measures, including measures to deter reflagging to avoid compliance with applicable obligations, to ensure that fishing vessels entitled to fly their flags do not fish in areas under the national jurisdiction of other States unless duly authorized by the authorities of the State concerned and in accordance with the conditions set out in the authorization, and do not fish on the high seas in contravention of the applicable conservation and management rules.

5. The General Assembly further urged States, relevant international organizations and regional and subregional fisheries management organizations and arrangements to take action, including through assistance to developing countries, to reduce by-catches, fish discards and post-harvest losses consistent with international law and relevant international instruments, including the Code of Conduct for Responsible Fisheries, and reiterated its call on organizations with development assistance programmes to make it a high priority to support, including through financial and/or technical assistance, the efforts of developing coastal States, in particular the least developed countries and the small island developing States, to improve the monitoring and control of fishing activities and the enforcement of fishing regulations, including through financial and technical support for regional and subregional meetings for that purpose.

6. In addition, the General Assembly encouraged all States to act responsibly, as appropriate, at the national, regional and global levels to implement the international plans of action adopted by the Food and Agriculture Organization of the United Nations (FAO) Committee on Fisheries, in particular the international plan of action for the management of fishing capacity.

7. Furthermore, the General Assembly called upon States and other entities referred to in article 1, paragraph 2 (b), of the Agreement for the Implementation for the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Fish Stocks Agreement) that had not yet ratified or acceded to the Agreement to consider doing so at the earliest possible time, and to consider applying it provisionally.

8. The General Assembly also called upon States and other entities referred to in article 10, paragraph 1, of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (the FAO Compliance Agreement) that had not submitted instruments of acceptance of the Agreement to consider doing so at the earliest possible time.

9. Finally, the General Assembly requested the Secretary-General to bring the resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations and relevant non-governmental organizations, and to invite them to provide the Secretary-General with information relevant to the implementation of the resolution. The Assembly also requested the Secretary-General to submit to it at the fifty-fifth session a report on further developments relating to the implementation of resolution 52/29, the status and implementation of the FAO Compliance Agreement and efforts undertaken in the Food and Agriculture Organization of the United Nations, referred to in paragraph 8 of resolution 52/29, taking into account the information thus provided.

10. Accordingly, the Secretary-General sent a note verbale to all States, drawing their attention to the relevant provisions of resolution 53/33. Letters were also addressed to relevant intergovernmental organizations, specialized agencies, appropriate organizations, organs, bodies and programmes of the United Nations system, as well as regional and subregional fisheries management organizations, and relevant non-governmental organizations. A number of submissions and comments were received by the Secretary-General, who wishes to express his appreciation for all the contributions.

11. The present report, which is submitted to the General Assembly pursuant to resolution 53/33, gives information on measures taken by States, relevant specialized agencies, organs and programmes of the United Nations, intergovernmental organizations and non-governmental organizations, to address the issues raised in resolution 53/33.

II. Large-scale pelagic drift-net fishing and measures to ensure full implementation of the global moratorium on all large-scale pelagic drift-net fishing on the high seas, including enclosed seas and semi-enclosed seas

A. Information provided by States

12. In its response of 12 April 2000 to the Secretary-General, **Qatar** stated that at present it had no fishing boats that used this type of drift-net and that no vessels registered in the country were engaged in high seas fishing.

13. In its reply of 5 May 2000 to the Secretary-General, **Oman** stated that the use of drift-nets had been banned in all fishing grounds under Omani national jurisdiction pursuant to the implementing regulation for marine fisheries protection of its Marine Fisheries Act. It also indicated that the Act and its implementing regulation provided severe penalties for offenders using drift-nets, including imprisonment for a period of three months and a fine of up to 5,000 riyals in addition to the confiscation of fishing equipment and gear and possible seizure of the vessel.

14. In its response of 9 May 2000 to the Secretary-General, **Panama** stated that it did not authorize its large-scale fishing vessels to use drift-nets.

15. In its reply of 22 June 2000 to the Secretary-General, **Saudi Arabia** reported that since 1996 it had prohibited the use of all large-scale pelagic drift-nets and other internationally condemned means of fishing in the high seas.

16. In its response of 26 June 2000 to the Secretary-General, **Namibia** indicated that under the Namibian Sea Fisheries Act it was an offence to fish by means of a drift-net, gillnet or any other net, or a combination of such nets, with a total length exceeding 2.5 kilometres, or any shorter length as might be prescribed. It was also an offence under the Act to place such nets in the water and to allow them to drift for the purpose of trapping or entangling fish. Namibia also informed the Secretary-General that since independence no vessels had been licensed to undertake pelagic drift-net fishing in maritime areas under Namibia's national jurisdiction.

17. In its reply of 30 June 2000 to the Secretary-General, **Japan** reported that, in compliance with General Assembly resolution 46/215, the Minister of Agriculture, Forestry and Fisheries on 10 December 1992 had formulated a basic policy under which Japanese authorities would not permit or approve the conduct of drift-net fishing by Japanese vessels on the high seas beginning in 1993. In accordance with that policy, no Japanese fishing vessel had been given permission and/or approval for drift-net fishing on the high seas.

18. In its response of 30 June 2000 to the Secretary-General, **Norway** pointed out that none of its fishing vessels had been engaged in commercial large-scale pelagic drift-net fishing on the high seas. It stressed that in any case, Norwegian authorities were allowed, to take action against vessels conducting such fishery, if necessary.

19. In its reply of 5 July 2000 to the Secretary-General, **Mauritius** stated that it had enacted a ban on drift-net fishing under its Prohibition of Drift-net Act, 1992 whereby, within its fishing limits, no one was allowed to fish with or have in his possession such a net. Mauritius also pointed out that although the Act had still to be proclaimed by the Prime Minister's Office, no Mauritian vessel was currently allowed to fish with a drift-net.

20. In its submission of 6 July 2000, **New Zealand** informed the Secretary-General that it was a party to and the depositary of the 1989 Convention for the Prohibition of Fishing with Long Drift-nets in the South Pacific (the Wellington Convention), which had entered into force on 17 May 1991. The Wellington Convention required parties to prohibit drift-net fishing by their own nationals and national vessels within the South Pacific. New Zealand further indicated that it continued to have legislation in place with respect to drift-net fishing (the Drift-net Prohibition Act 1991) and that no incident involving drift-net fishing had been reported within its exclusive economic zone.

21. In its response of 10 July 2000 to the Secretary-General, **Cyprus** stated that Cypriot fishing vessels did not use large-scale drift-nets.

22. In its report to the Secretary-General dated 14 July 2000, **Denmark** indicated that the European Union (EU) had introduced a ban on drift-net fishing using nets longer than 2.5 kilometres and as from the year 2002 a total ban on drift-nets would be introduced for the fishing of a number of species. It pointed out, however, that the ban did not include the Baltic Sea, in view of the fact that the specific requirements with respect to fish species there were not the same as those on the high seas. In addition, Denmark drew the attention of the Secretary-General to the fact that nets considerably shorter than 2.5 kilometres in length were in use in Greenland, where nets for salmon fishing which were fixed on the shore at one end were also in use.

23. In its response of 20 July 2000 to the Secretary-General, **Mexico** stated that it had complied fully with the resolution prohibiting large-scale drift-net fishing. Since 1990, it had not issued any commercial fishing permits to vessels using gillnets over 2,000 metres in length on the high seas. Mexico admitted that drift-nets might potentially be used to catch scaled fish and shark. However, it reported that regulations on fishing for shark and related species had been adopted and would enter into force in August 2000. Those regulations stipulated that only the use of longlines would be authorized for pelagic fishing of the species, and in the case of shark fishing in ocean waters where the use of drift-nets was authorized, specific regulations on size and use zones had been established. Furthermore, a programme was currently under way to gradually replace and ultimately eliminate the use of such nets in favour of longlines, considered to be a more selective method of fishing which minimized by-catch of other species.

24. In its reply of 21 July 2000, **Barbados** informed the Secretary-General that it had prohibited large-scale pelagic drift-net fishing in the maritime areas under its national jurisdiction and that no vessels flying the flag of Barbados had been authorized to use that kind of gear. It also indicated that the use of large-scale pelagic drift-nets had not been reported on the adjacent high seas.

25. In its response of 3 August 2000 to the Secretary-General, **Guyana** stressed that the practice of large-scale pelagic drift-net seine fishing on the high seas, including in enclosed areas and semi-enclosed areas, was practically non-existent in the areas outside Guyana's jurisdiction. It pointed out, however, that owing to Guyana's inadequate enforcement capability, it was possible that that type of fishing might be occurring without its knowledge.

26. In its submission to the Secretary-General dated 21 August 2000, **Trinidad and Tobago** reported that it did not have any large-scale pelagic drift-net vessel, nor had it registered any such vessels. Furthermore, Trinidad and Tobago did not support large-scale pelagic drift-net fishery and as such did not permit or license its vessels to practice that method of fishing.

27. In its reply of 24 August 2000 to the Secretary-General, **Malta** indicated that there were no drift-net fishing vessels registered in Malta and its Department of Fisheries and Agriculture had no intention of issuing any licences for drift-net fishing.

28. In its response to the Secretary-General dated 31 August 2000, the **United States of America** indicated that it was appropriate that the General Assembly, in recognition of the unacceptable impacts of large-scale pelagic drift-net fishing in the high seas, called upon all members of the international community, in its resolution 46/215, to ensure that a global moratorium on all large-scale pelagic drift-net fishing on the high seas be fully implemented by 31 December 1992.

29. The United States added that it continued to attach great importance to compliance with resolution 46/215 and had taken measures individually and collectively with other nations to prevent large-scale pelagic drift-net fishing on the high seas. The United States had called upon all members of the international community to implement and comply with the resolution. In addition, the United States had urged all members of the international community, intergovernmental organizations, non-governmental organizations and scientific institutions with expertise in living marine resources to report to the Secretary-General any activity or conduct inconsistent with the terms of resolution 46/215. The United States further added that since it had submitted its 1998 report on fisheries activities to the United Nations, it had taken additional actions to promote the implementation of the General Assembly's resolutions and decisions on large-scale pelagic drift-net fishing on the high seas, especially in the North Pacific Ocean and the Mediterranean Sea.

30. The United States was of the view that international implementation of the moratorium on large-scale high-seas drift-net fishing in the world's oceans and enclosed and semi-enclosed seas continued to be generally successful, although a small number of cases of unauthorized large-scale high-seas drift-net fishing were reported in the North Pacific Ocean in 1999.

31. The United States added that enforcement of the United Nations moratorium on high-seas drift-net fishing continued to be an important mission for the United States Coast Guard and the National Marine Fisheries Service (NMFS). To monitor compliance with the drift-net moratorium in 1999, the United States Coast Guard, NMFS and the Canadian Department of Fisheries and Oceans had continued to carry out surveillance activities in North Pacific areas that in the past were routinely fished by drift-net vessels. United States Coast Guard vessels patrolled sectors of the North Pacific Ocean, or were in position to respond to reported activity, for a total of 1,176 cutter operating hours. In addition, United States Coast Guard C-130 Hercules aircraft had flown 236 surveillance hours. Canada had conducted 213 hours of air surveillance while patrolling the high seas drift-net fishing area.

32. The United States indicated that all United States Coast Guard operations were planned and executed in cooperation with enforcement officials of Japan, Canada, and the Russian Federation under the aegis of the North Pacific Anadromous Fish Commission (NPAFC). NPAFC had sponsored a Law Enforcement Standardization Symposium, from 16 to 19 March 1999, prior to the start of the fishing season, to further promote high-seas drift-net enforcement cooperation between the parties. The United States had hosted the symposium at the Coast Guard's North Pacific Regional Fisheries Training Center in Kodiak, Alaska. The Symposium's key accomplishments had been the sharing of information, the updating of points of contact for each enforcement agency and the development of 1999 patrol plans and procedures.

33. The United States further indicated that from 15 April to 3 May 1999, a total of 11 possible large-scale drift-net fishing vessels had been reported operating on the high seas of the North Pacific Ocean by the international community. The United States Coast Guard had apprehended 3 of those vessels. Three of the 11 had been Russian-flagged, one vessel had been deemed stateless and the remainder had been unidentified or unconfirmed. Specific enforcement actions taken by the United States had concerned the following vessels: *Astafeyvo*, *Lobana-1*, also known as *Florida*, *Tin Yu*, *Ying-Fa* and *Tayfun-4*.

34. In addition, in 2000, as indicated by the United States, one large-scale high-seas drift-net vessel (the Honduran-flagged *Arctic Wind*) had been intercepted in the North Pacific Ocean. The United States had formally seized the *Arctic Wind* on 12 May, after the Government of Honduras gave it permission to enforce United States law against the vessel. The case was currently in progress.

35. The United States added that, despite the actions taken by the international community to implement the United Nations global drift-net moratorium, sporadic large-scale high-seas drift-net fishing activity persisted in the North Pacific Ocean. To support United States enforcement efforts in the North Pacific in 2000, the United States Coast Guard would emphasize surveillance at levels consistent with 1999 or adequate to meet the high-seas drift-net fishing threat. The Coast Guard would also continue to schedule patrols in areas that give them the capability to respond to any potential violators.

36. The United States indicated that the United States Coast Guard also intended to continue its policy of issuing Local Notices to Mariners during the high-threat drift-net fishing season. The Coast Guard intended to improve upon the information provided in these notices and would establish an Internet web site to allow mariners access to more detailed information. The United States further indicated that the Government of Canada anticipated flying 216 hours of high-seas drift-net patrols aboard Canadian Armed Forces aircraft in 2000. The time-frame and patrol area would be similar to those in 1999. In addition, NMFS would continue to place enforcement agents on Canadian high-seas drift-net enforcement flights during deployments in 2000.

37. With regard to United States drift-net enforcement efforts in the Mediterranean Sea, the United States indicated that, there had been no reported sightings of large-scale drift-net vessels operating on the high seas of the Mediterranean Sea in 1999.

38. In its submission, the United States described recently concluded bilateral drift-net arrangements. The United States and the People's Republic of China continued to work together to ensure effective implementation of General Assembly resolution 46/215 in the North Pacific Ocean pursuant to the terms of the Memorandum of Understanding between the Government of the United States of America and the Government of the People's Republic of China on Effective Cooperation and Implementation of United Nations General Assembly resolution 46/215 of 20 December 1991, signed at Washington, D.C. on 3 December 1993. The Memorandum of Understanding (also referred to as the "Shiprider Agreement") had established boarding procedures for law-enforcement officials of either country to board and inspect United States or People's Republic of China flagged vessels suspected of drift-net fishing. The Memorandum of Understanding had also established a shiprider programme, which allowed People's Republic of China fisheries enforcement officials to embark on United States Coast Guard cutters during each drift-net fishing season. The Memorandum of Understanding had expired on 31 December 1998 and had been extended through 31 December 2001. During 1999, four officials of the People's Republic of China had been stationed in Kodiak, Alaska, for deployment to Coast Guard cutters to support enforcement against illegal high-seas fishing activity. An official was deployed on two occasions.

39. Following an order of the United States Court of International Trade, the United States on 19 March 1999 had identified Italy as a nation for which there was reason to believe its nationals or vessels were conducting large-scale drift-net fishing beyond the exclusive economic zone of any nation, pursuant to the United States High Seas Drift-net Fisheries Enforcement Act. This marked the second time the United States had identified Italy pursuant to the Act (the first identification was in 1996). As a result of the identification, the United States had begun consultations with the Government of Italy on 17 April 1999 to obtain an agreement to effect the immediate termination of such activities. Agreement had been formally reached by the two countries on 15 July 1999, via an exchange of diplomatic notes, on measures to end Italian large-scale high-seas drift-net fishing. The new drift-net Agreement reiterated the commitment of the Government of Italy to full implementation of the measures to combat large-scale high-seas drift-net fishing in the 1996 drift-net Agreement between the United States and Italy. As a result of Italy's drift-net vessel conversion programme (a product of the 1996 Agreement), almost 80 per cent of Italy's drift-net fleet of 679 vessels had been converted to other fishing methods or scrapped. In an effort to induce the remaining drift-net vessels to apply for the programme, Italy had extended the application deadline to the end of December 1999.

40. The United States added that Italy had taken a number of additional measures to strengthen the enforcement of its laws relating to drift-net fishing. It had publicized a March 1999 court decision prohibiting the possession, as well as use of, drift-nets longer than 2.5 kilometres. Italy had increased boarding and inspections of drift-net vessels at dockside, before leaving to go fishing and when returning to port. The Government of Italy had implemented a detailed 1999 enforcement action plan involving joint enforcement efforts with European Union fisheries inspectors and proposed bilateral enforcement agreements with other European Union Mediterranean countries. The Italian Coast Guard was committed to increase at-sea monitoring by regional Coast Guard districts and spot checks of seized drift-nets, until such netting could be destroyed.

41. The Governments of the United States and Italy had agreed to conduct periodic consultations regarding the implementation of the United Nations global moratorium on large-scale high-seas drift-net fishing. Such consultations would continue until the end of 2001, when a European Union ban on all drift-net fishing would enter into force.

42. The United States also reported that on 11 October 1993, the secretaries of Transportation, Commerce and Defense had entered into a Memorandum of Understanding to more effectively enforce domestic laws and international agreements for the conservation and management of the living marine resources of the United States. The Memorandum of Understanding had established a mechanism for the use of the surveillance capabilities of the Department of Defense for locating and identifying vessels violating United States marine conservation laws and international agreements, including General Assembly resolution 46/215. The Memorandum of Understanding had also set formal procedures for communicating vessel locations to the Secretary of Commerce and the United States Coast Guard. NMFS and the United States Coast Guard had continued to utilize Department of Defense surveillance information for locating and identifying large-scale high-seas drift-net fishing vessels in 1999. They would continue to explore other possible uses of Department of Defense surveillance assets for the monitoring of drift-net fishing vessels and fishing activity.

B. Information provided by specialized agencies of the United Nations system

43. In its reply of 3 August 2000, **FAO** informed the Secretary-General that it had not been advised of any fishing involving large-scale pelagic drift-nets over the review period.

C. Information provided by organs, organizations and programmes of the United Nations

44. In its response of 17 March 2000, the **United Nations Development Programme (UNDP)** informed the Secretary-General that the concepts provided in General Assembly resolution 53/33 were embodied in the various fisheries projects of UNDP, many of which were executed by FAO.

D. Information provided by regional and subregional fisheries bodies and arrangements[1]

45. The **Asia-Pacific Fishery Commission (APFIC)** reported that its member States had been informed of the global moratorium on large-scale drift-net fishing on the high seas. However, for many coastal States, drift-net fishing was still needed and employed in the enclosed and semi-enclosed seas under their jurisdiction. Regulations could be established by each State on the size/length of drift-nets to be used.

46. The **Fishery Committee for the Eastern Central Atlantic (CECAF)** stated that there had been no reported large-scale pelagic drift-net fishing in the CECAF area. However, there was small-scale drift-net fishing in artisanal zones in the region. The effect of this technique was not as remarkable as the industrial ones, but it caused frequent conflicts among the artisanal fishermen. The conflicts had become significant in some countries and regulations were being introduced in national fisheries legislation limiting the size and length of drift-nets to be employed in their fisheries.

47. The **General Fisheries Council for the Mediterranean (GFCM)** reported that the twenty-fourth session of the Commission (Alicante, Spain, 12-15 July 1999) had not registered any irregularity in the

implementation of its recommendations on the use of large-scale pelagic drift-nets (resolution 97/1) that banned the keeping on board or use for fishing of one or more drift-nets whose individual or total length was more than 2.5 km. Difficulties encountered in the past for the enforcement of these resolutions with Italy had been addressed through a compensatory arrangement with the owner/users of these nets.

48. The **Indian Ocean Tuna Commission (IOTC)** reported that there had been no large-scale drift-netting reported in the Indian Ocean since 1992. It pointed out, however, that Pakistan, Oman, India, the Islamic Republic of Iran and Sri Lanka had large fleets of small-scale drift-net vessels.

49. The **Inter-American Tropical Tuna Commission (IATTC)** reported that there had been no reports of large-scale pelagic drift-net fishing in the IATTC area of competence in the current period.

50. The **North Atlantic Salmon Conservation Organization (NASCO)** indicated that it was not aware of any activities within the area covered by the Convention for the Conservation of Salmon in the North Atlantic Ocean that would be inconsistent with General Assembly resolution 52/29.

51. The **North-East Atlantic Fisheries Commission (NEAFC)** reported that its Contracting Parties had once again confirmed that they were not aware that any large-scale pelagic drift-net fishing had been practised in the NEAFC Convention area.

52. The **North Pacific Anadromous Fish Commission (NPAFC)** reported that, in 1998 and 1999, the cooperative enforcement efforts of the NPAFC parties had resulted in the detection of 7 and 12 vessels, respectively, conducting direct drift-net fishing operations for salmon in the NPAFC Convention area. Of those vessels, four had been apprehended in 1998 and three in 1999. The Commission added that owing to the continued threat of high-seas drift-net fishing for salmon in the Convention area, the NPAFC parties had agreed to maintain enforcement activities in 2000 at levels similar to those of 1999. Consequently, NPAFC was of the view that the Convention had eventually contributed to the implementation of General Assembly resolution 46/215, by prohibiting direct fishing for anadromous fish on the high seas area in the North Pacific Ocean, where salmon fishing had heretofore been mainly conducted by using drift-nets.

53. The **Northwest Atlantic Fisheries Organization (NAFO)** reported that the General Assembly resolution on large-scale pelagic drift-net fishing on the high seas had been unanimously endorsed by NAFO. Its member States had reaffirmed that large-scale pelagic drift-net fishing had never been practised in the NAFO Convention area. Official NAFO letters on the matter had been regularly delivered to United Nations Headquarters.

54. The **Southeast Asian Fisheries Development Centre (SEAFDEC)** reported that there had been no reports of large-scale pelagic drift-net fishing on the high seas in the SEAFDEC region.

55. The **Western Central Atlantic Fisheries Commission (WECAFC)** reported that there had been no reports of large-scale pelagic drift-net fishing in the WECAFC region during the period 1998-1999. The majority of fisheries in the region were small-scale in nature.

56. In its reply of 8 March 2000 to the Secretary-General, the **International Commission for the Conservation of Atlantic Tunas (ICCAT)** reported that at its tenth special meeting in 1996, it had adopted a resolution concerning large-scale pelagic drift-nets that, inter alia, appealed to all Contracting Parties to ensure that their nationals and their fishing vessels complied with General Assembly resolution 46/215, and to provide all necessary data relative to those fisheries so that scientists might study the effects of the utilization of those gears. ICCAT in its resolution also requested them to impose adequate sanctions on their nationals and on their fishing vessels that acted contrary to the terms of resolution 46/215.

57. In its reply of 10 April 2000 to the Secretary-General, the **Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)** stated that since the adoption of CCAMLR resolution 7/IX (1990), which prohibited the expansion of large-scale pelagic drift-net fishing into the high seas of the Convention area, it had not received any reports on activities or conduct inconsistent with that resolution.

58. The **Commission for the Conservation of Southern Bluefin Tuna (CCSBT)** advised the Secretary-General on 21 June 2000 that, as reported in previous years, there had been no reports of fishing with large-scale pelagic drift-nets in its area of competence during the period under review.

E. Information provided by other intergovernmental organizations and convention secretariats

59. In its reply of 5 July 2000 to the Secretary-General, the **European Union (EU)** stated that, in implementation of General Assembly resolution 52/29, the Council of Europe in June 1998 had decided to prohibit the use of drift-nets by fishing vessels of EU member States as from 1 January 2002. It noted that with that decision, EU had gone beyond the provisions of General Assembly resolution 46/215. It also stressed that, despite the divergent views among member States on the scientific justification of the decision, the ban had been accepted as an example of the importance of integrating environmental requirements into fishery policy. In addition, EU recalled that since 1992 EU regulations had prohibited the use of drift-nets longer than 2.5 km.

60. In its submission of 13 July 2000 to the Secretary-General, the **Convention on the Conservation of Migratory Species of Wild Animals (CMS)** reported that the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS) had management plans that contained provisions requiring parties to the Agreement to adopt the necessary legislative, regulatory or administrative measures to give full protection to cetaceans in waters under their sovereignty and/or jurisdiction and outside those waters in respect of any vessel under their flag or registered within their territory engaged in activities that might affect the conservation of cetaceans. To that end, they had to, inter alia, develop and implement measures to minimize adverse effects of fisheries on the conservation status of cetaceans. In particular, no vessel should be allowed to keep on board, or use for fishing, one or more drift-nets whose individual length was more than 2.5 kilometres.

61. In addition, the CMS indicated that the preamble to the France-Italy-Monaco agreement, which created a sanctuary for the marine mammals in the north-western Mediterranean, referred to ACCOBAMS. Within the sanctuary, drift-nets would be completely banned, in connection with measures that would be taken by EU in early 2002.

F. Information provided by non-governmental organizations

62. In its response of 9 May 2000 to the Secretary-General, the **Humane Society of the United States** reported that it and its international arm, Humane Society International, had played an integral role in the enforcement of General Assembly resolutions on the global moratorium on large-scale pelagic drift-net fishing, as well as the EU restrictions on drift-nets. It expressed concern, however, that recent information in its possession indicated that the buy-out plan to convert or scrap drift-net fishing vessels in Italy, as part of the EU phasing-out of all drift-net fishing by the beginning of 2002, had incurred problems since approximately 106 Italian vessels (many of them over 24 metres in length) had rejected the EU proposed buy-out scheme. The Society thus assumed that those vessels would plan to continue their drift-net fishing activities.

63. The Humane Society also pointed out that enforcement of the legal limits of net size was always a problem for EU because of its lack of funds and limited enforcement fleet, and also because the main responsibility in this respect rested with the flag State of the vessels. For the Society, it was imperative for Italy to prevent any further illegal drift-netting incidents during the coming fishing season with its large remaining fleet and to continue to work for the elimination of all Italian drift-net fishing activities before the 2002 deadline.

64. In addition, the Humane Society also wished to inform the Secretary-General that the United States Court of International Trade had ruled on 5 March 1999 that the United States Secretary of Commerce had violated the United States High Seas Drift-net Fisheries Enforcement Act of 1992 by failing to identify Italy as an illegal drift-netting country despite extensive evidence of large-scale drift-net fishing by Italian vessels. Under the Act, the United States was required to formally identify countries that had engaged in illegal drift-net fishing and ultimately to place import restrictions on those countries if they did not end their harmful practice.

III. Unauthorized fishing in zones of national jurisdiction of States and on the high seas

A. Unauthorized fishing in zones of national jurisdiction of States and support, through financial and/or technical assistance to developing coastal States, in particular the least developed countries and the small island developing States, to improve the monitoring and control of fishing activities and the enforcement of their fishing regulations

1. Information provided by States

65. **Qatar** stated that fishing permits were issued in accordance with the provisions of Act No. 4 of 1983 and its Executive Decree No. 2 of 1985 concerning the exploitation and protection of the living marine resources of the State of Qatar. Such permits were granted only to Qatari owners of fishing vessels and entitled them to engage in fishing in the territorial waters of the State of Qatar. Foreign fishing vessels were not allowed to engage in fishing activities unless they had obtained a permit from the Department of Fisheries Resources.

66. **Oman** reported that the Omani Ministry of Agriculture and Fisheries was currently engaged in a comprehensive review of its Marine Fisheries Act and implementing regulation, and among the highest priorities for inclusion in the Act would be the elaboration of legal provisions to address all matters relating to unauthorized fishing in its territorial waters.

67. **Panama** indicated that it prohibited its vessels from fishing in waters under the jurisdiction of other States unless the coastal State concerned had given authorization. It added that an international fishing licence required for fishing on the high seas which it had introduced with its Executive Decree No. 49 of 13 November 1997 stated specifically that the document was not valid for fishing in the exclusive economic zone of other States without the authorization of such States.

68. **Saudi Arabia** stated that it had enacted regulations that required ships flying the Saudi Arabian flag to refrain from fishing in waters under the jurisdiction of another State unless it had obtained a licence from that State allowing it to conduct fishing activities in its territorial waters according to the terms and conditions of such licence. In addition, a written undertaking was required from vessels to observe international fishing regulations and abstain from fishing in waters under the jurisdiction of other States without a permit from the State concerned.

69. **Namibia** indicated that its revised Fisheries Act, which was expected to be passed by parliament during the current year, included provisions which obliged Namibian fishing vessels to have a licence for fishing outside Namibian waters.

70. **Japan** reported that it had prohibited Japanese fishing vessels from entering areas under the national jurisdiction of other coastal States for the purpose of fishing, unless such vessels had the permission to do so from the competent authorities of the coastal States. Furthermore, the Government of Japan required fishing vessels to obtain the permission and observe the regulations of the competent authorities of the coastal States as the condition for permission and approval for such vessels that intended to operate in the areas under the jurisdiction of those coastal States.

71. **Norway** has advised that access for fishing vessels flying the Norwegian flag to areas under the national jurisdiction of other States was based on agreements with the States in question. Its fishing vessels were allowed only to fish in those waters in accordance with the terms of those agreements and upon express consent from the States concerned. In the event that a vessel flying the Norwegian flag were to fish contrary to such provisions, Norwegian authorities were empowered to take actions against such a vessel upon its return to a Norwegian port.

72. In addition, Norway indicated that to monitor the movements of fishing vessels flying the Norwegian flag in Norwegian waters as well as NEAFC-regulated waters and waters covered by bilateral agreements, satellite-tracking equipment was compulsory for all fishing vessels as of 12 May 2000. Satellite-tracking agreements had been agreed with EU and the Russian Federation. Norwegian authorities were considering expanding the satellite monitoring system to other States.

73. **Uruguay**[2] stated that to ensure constant monitoring of vessels entitled to fly the Uruguayan flag and in order to operate outside the waters under the

jurisdiction of Uruguay and outside the common fishing area, the National Fisheries Institute had adopted resolution 8/2000 of 3 February 2000, under which all requests to obtain fishing licences in the D category (commercial fishing licences under the classification established in article 16 of Decree 149/997 of 7 May 1997) were required to provide for a vessel monitoring system to prevent illegal fishing activities by those vessels.

74. **Mauritius** stated that its Fisheries and Marine Resources Act 1998 had made provision whereby all Mauritian vessels were required to be in possession of a licence, whether they fished in Mauritian waters, the high seas or within the fishing zone of a foreign State.

75. **New Zealand** reported that its parliament had enacted the Fisheries Act 1996 Amendment (No. 2) Act 1999 on 8 September 1999, which was expected to enter into force later in 2000. The relevant provision of that Act, once it entered into force, would make it an offence for a New Zealand national or a New Zealand registered vessel to catch fish in the national jurisdiction of a foreign country unless such fish had been caught in accordance with the laws of that country.

76. **Cyprus** stated that its Fisheries Law had already been amended to cover licensing outside the territorial waters and in areas under the national jurisdiction of other States.

77. **Denmark** reported that its fisheries legislation required every person fishing commercially in Denmark to be registered as a commercial fisherman. A vessel could only be used for commercial fishing if it was registered in the general vessel register for all vessels, and more specifically in the register for fishing vessels, which was kept and maintained by the Danish Directorate of Fisheries. No fishing could be carried out unless the authorization had been granted and the Directorate had issued a fishing licence.

78. Denmark also indicated that fishing in areas under the national jurisdiction of other States (e.g. in the waters of other EU member States or in accordance with European Community fisheries agreements with third countries) was also subject to licences issued by the Danish Directorate of Fisheries. Those provisions had been laid down in Danish Government order 863 of 2 December 1999 concerning the deregulation of certain fisheries in 2000 and the regulation of the herring and mackerel fishery in the North Sea, Skagerrak and certain other waters for the period 2000-2003. Denmark added that the legislation of the Greenland Home Rule Government was largely similar to the one described above.

79. **Mexico** stated that fishing by Mexican fleets or vessels flying the flag of Mexico in waters under foreign jurisdiction was under the jurisdiction of the Federal Government and was governed by the 1992 Fisheries Act and its 1999 Regulations. Article 52 of the Fisheries Act stipulated that, to obtain authorization to fish in foreign waters using vessels of Mexican registry and flying the Mexican flag, it was necessary to observe and strictly comply with international navigation and fishery regulations, especially those established by foreign Governments for waters under their jurisdiction. The regulations also stated that the catch limits established by foreign Governments for the use or exploitation of their fishery resources would be administered by the Secretariat for the Environment, Natural Resources and Fisheries (SEMARNAP) and that permits for fishing in waters under foreign jurisdiction would be issued only to Mexican nationals.

80. Mexico further pointed out that where those Governments allowed individuals to obtain commercial fishing licences or permits directly, the parties concerned, at the request of SEMARNAP, had the obligation to verify that the catches had been taken under the authorization set out in such licences or permits.

81. **Guyana** indicated that there were provisions within its draft Revised Fisheries Legislation that empowered the Minister to make regulations: (a) requiring the recording and timely reporting of vessel position, catch of target and non-target species, fishing effort and other fisheries data; (b) requiring the owners, operators, chaterers and masters of vessels to provide copies of licences and evidence that fishing operations were authorized; as well as (c) establishing procedures for the provision of evidence to a foreign State which had alleged that a vessel flying the flag of Guyana had been engaged in unauthorized fishing.

82. The **United States of America** indicated that it was particularly interested in ensuring that flag States fulfil their obligation to prevent fishing vessels entitled to fly their national flag from fishing in areas under the national jurisdiction of other States unless duly authorized, and to ensure that those fishing operations were conducted in accordance with the terms and

conditions established by the competent authority. In addition to being a source of international conflict, unauthorized fishing could have a serious and deleterious impact on fishery resources and warranted the attention of all States.

83. The United States added that States had an obligation under international law, as reflected in the United Nations Convention on the Law of the Sea, to take measures to prevent fishing vessels entitled to fly their national flag from fishing in zones under the national jurisdiction of other States unless duly authorized to do so and to ensure that such fishing was in accordance with applicable laws and regulations. Article 56, paragraph 1, of the Convention provided that coastal States had sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, within their respective zones of national jurisdiction. Furthermore, article 62, paragraph 4, of the Convention provided that nationals of other States fishing in the exclusive economic zone shall comply with the conservation measures and with the terms and conditions established in the laws and regulations of the coastal State.

84. For its part, the United States had long acted to prevent unauthorized fishing in zones under the national jurisdiction of other States by vessels entitled to fly the United States flag. The oldest and broadest instrument available to the United States to implement this objective was the Lacey Act amendments of 1981 (generally referred to as the Lacey Act). Originally enacted in 1900, the Lacey Act provided, inter alia, that it was a violation of United States law for persons subject to the jurisdiction of the United States to conduct fishing operations in violation of foreign law. It was one of the United States' primary laws directly targeting illicit interstate or foreign commerce in illegally taken fish, wildlife and plant species. More specifically, the Lacey Act made it unlawful for any person or other entity subject to the jurisdiction of the United States to import, export, transport, sell, receive, acquire or purchase (or attempt to commit any of these acts) in interstate or foreign commerce, any fish or wildlife taken, possessed, transported or sold in violation of any law or regulation of any state of the United States or in violation of any foreign law. (For details of the Lacey Act, see A/52/557, paras. 67-69.)

85. The United States was also a party to a variety of international agreements that further prohibit United States nationals and vessels from engaging in unauthorized fishing in certain areas under the fisheries jurisdiction of other States. Several such agreements had been concluded with the Governments of Colombia, the United Kingdom of Great Britain and Northern Ireland, the Russian Federation, Canada and numerous Governments in the South Pacific Ocean. The United States had also ratified the 1995 Fish Stocks Agreement which, while not yet in force, also prohibits such fishing operations.

86. The United States further added that the Lacey Act and the treaties and agreements mentioned above had worked well to promote bilateral and multilateral cooperation. Furthermore, these measures had contributed significantly to support the conservation of fisheries resources within zones under national jurisdiction. Nevertheless, several problems inhibited full implementation of resolutions 52/29 and 53/33. First, detection of any alleged illegal fishing activity within zones of national jurisdiction depended largely on the enforcement capability of the coastal State. The fishery enforcement capability of many coastal States, however (and especially among developing States with large national zones), was frequently limited because of inadequate resources. Second, prosecution under the Lacey Act was dependent upon a separate violation of an underlying foreign or federal law. Such prosecutions could involve difficult evidentiary issues, for example, proving that a United States-flag fishing vessel had violated a law or a regulation of a foreign country. Third, effective prosecutions under the Lacey Act and in accordance with other international agreements and treaties required strong cooperation between United States and foreign officials. Such cooperation might not always be forthcoming. Fourth, prosecuting violations of unauthorized fishing activities, which occurred within the jurisdiction of a foreign country, was expensive, involving, for example, the cost of providing transportation to witnesses. The United States defrayed the costs of litigating violations of its fisheries laws and regulations through a fund that consisted of monies collected from fines, penalties and forfeitures. Despite these difficulties, the United States was committed to fulfilling its responsibilities as a flag State and believed that it had achieved much to prevent unauthorized fishing in zones under the national jurisdiction of other States by United States-flag fishing vessels.

87. Within its own zone of national jurisdiction, the United States prohibited unauthorized fishing by fishing vessels from foreign countries. The Magnuson-Stevens Act stated that no foreign fishing was authorized within the exclusive economic zone of the United States unless authorized and conducted under, and in accordance with, a valid and applicable permit. With certain exceptions (e.g., regarding trans-shipments), these permits could only be issued if the relevant foreign country had concluded an international fishing agreement with the United States. Such agreements acknowledged the exclusive fishery management authority of the United States, required foreign nations and the owner or operator of any foreign fishing vessel to abide by all United States regulations and provided for enforcement of United States fisheries laws and regulations. Foreign fishing activities within the United States exclusive economic zone were monitored and enforced by the United States Coast Guard and the National Marine Fisheries Service.

2. Information provided by specialized agencies of the United Nations system

88. **FAO**, in its report on the issues of unauthorized fishing in areas under the national jurisdiction of coastal States, stated that the Interregional Programme of Assistance to Developing Countries for the Implementation of the Code of Conduct for Responsible Fisheries had been funded by the Government of Norway and executed by FAO. The project, known as "FISHCODE", had been specifically designed to assist developing countries and small island developing States. Within the framework of this component there had been further follow-up to the regional workshop on fisheries monitoring, control and surveillance (MCS) for countries of the Bay of Bengal and South China Sea held in Malaysia in June/July 1998. During the reporting period a consultant recruited under the programme had visited Indonesia, Malaysia, Thailand and Sri Lanka to assist staff in improving MCS. In addition, a regional workshop on MCS, for countries surrounding the North-west Indian Ocean had been held at Muscat, in October 1999. The workshop had been primarily designed as a forum where presentations on MCS could be made by specialists involved in the fisheries management process, and then discussed, and where participants could outline their management and MCS experiences. A consultant had made a follow-up visit to assist staff of the Department of Fisheries of Oman in implementing their fisheries management programmes and strengthening their MCS programme.

89. The Department of Fisheries of FAO was also involved in an MCS project financed by Luxembourg assisting Senegal, Mauritania, Cape Verde, Gambia, Guinea-Bissau, Guinea and Sierra Leone. The FAO expert on the project was based in Dakar and the aerial surveillance operation was based at Banjul. The intervention in the West African subregion was expected to have a duration of five years and to result in significantly improved levels of MCS. All the countries except Sierra Leone were members of the Subregional Fishery Commission (SRFC). FAO was the executing agency for the unit that supported the SRFC secretariat, based in Dakar. Since so many of the stocks in the subregion were shared, the role of the secretariat was important in ensuring cooperation between States for fisheries management.

90. FAO further added that fisheries in the Bay of Bengal and the South China Sea had annual landings of some 12 million tons. These relatively large fisheries, not only in coastal waters but also on the high seas, were becoming the focus of increased attention of many authorities in their efforts to ensure sustainability of the resources. Data collection over the long term to allow analyses of fluctuations in abundance of the different stocks was a priority, but it needed to be linked to overall management, and as a contribution to this management the role of fisheries monitoring, control and management would undoubtedly increase in importance. A regional training course in fisheries MCS for countries of South-East Asia was to be held in July 2000 at Songkhla, Thailand, under the FISHCODE project. Further missions to individual countries would be undertaken in the course of the year, mainly in countries around the Indian Ocean, to assist MCS. The FISHCODE project was scheduled to end in April 2001 but may be extended.

91. FAO pointed out that one evident difficulty being faced by a number of fisheries administrations was a diagnosis of the situation and the lack of firm advice on what management decisions to apply in the case of a fishery. Certainly MCS can provide information of use to scientists as well as to fishery managers in their assessment of what was happening to a fishery, and on what problems needed to be faced so that decisions could be taken. Where management decisions were being enforced there must be a fair feedback from

MCS personnel to decision makers so that reasonable measures could be taken which were indeed applicable. In a number of situations the application of measures to reduce fishing conflicts must be taken both with sensitivity and with firmness, and this called for considerable judgement on the part of the authorities.

3. Information provided by organs, organizations and programmes of the United Nations

92. In its reply to the Secretary-General dated 16 June 2000, the **United Nations Environment Programme (UNEP)** reported that within its regional seas Conventions and action plans, the Regional Organization for the Conservation of the Environment of the Red Sea and Gulf of Aden (PERSGA) had developed a Strategic Action Programme which included a work plan to implement activities which would contribute to sustainable fisheries management for the period 2000-2003. Some of the major problems facing the sustainability of fisheries in developing countries, especially least developed countries members of PERSGA were the following: (a) weak institutional and legal frameworks; (b) inadequate technical and technological capacity; (c) overfishing of commercial demersal and pelagic fish species and marine invertebrates; (d) unsustainable management of transboundary, migratory and highly migratory species, particularly sharks and mackerels; (e) discarded fish; (f) inadequate capacity in surveillance, monitoring and control of fishing effort; and (g) poaching by foreign fishing vessels, particularly in the waters of countries bordering the Gulf of Aden.

93. UNEP further indicated that the Strategic Action Programme work plan on living marine resources would address those problems within the limitations of the funds made available for implementing the activities under that component. In particular, implementation of the plan would assist, inter alia, in improving surveillance and monitoring capacity and developing fisheries management strategies and action plans for sustaining the threatened species. In addition, with a view to strengthening legal and policy frameworks, the work plan would implement activities aimed at: (a) reviewing and updating current fisheries legislation; (b) identifying gaps, overlaps and conflicts in the laws and regulations pertaining to the sustainable management of living marine resources; (c) developing regional conventions and regulations concerning sustainable fisheries management; (d) identifying existing conventions and regulations concerning sustainable management; and (e) formulating a regional fisheries commission for the management of fisheries (where such a commission did not currently exist).

4. Information provided by regional and subregional fisheries bodies and arrangements

94. **APFIC** reported that the issues concerning illegal, unregulated and unreported (IUU) fishing were widely recognized and were ongoing in the APFIC area, by both developed and developing fishing nations. Some States had been able to curtail such practices through improved MCS.

95. APFIC also indicated that it had collaborated with FAO and Norway in the FISHCODE project (GCP/INT/648/NOR) in organizing a Regional Workshop on Fisheries Monitoring, Control and Surveillance (MCS) in Songkhla, Thailand, from 2 to 9 July 2000 to provide understanding and practical experience on MCS systems (see also para. 90). Participants from Cambodia, Indonesia, Malaysia, the Philippines, Thailand and Viet Nam were invited to the Workshop.

96. **CECAF** stated that MCS was an expensive venture and that the developing countries in the region had continued to encounter problems in executing it. Inadequate or non-existent facilities and terms of the bilateral fishing agreements had encouraged unauthorized fishing activities in the region, namely, poaching, violations of reserved artisanal fishing zones and trans-shipment at sea. The illegal, unreported and unregulated character of those activities had made it difficult for the affected countries to collect reliable catch data. CECAF had promoted the strengthening of subregional and regional cooperation in managing and controlling fishing in the region.

97. CECAF it had offered advisory services on MCS. Such assistance had resulted in the carrying out of a MCS project financed by the Government of Luxembourg for the northern subregion that covered Mauritania, Senegal, Gambia, Guinea, Guinea-Bissau and Cape Verde. CECAF also indicated that at the national level, some countries had initiated participatory MCS activities that involved artisanal fisherfolk whose livelihood had been constantly threatened by the operations of the industrial fishing vessels.

98. **IOTC** indicated that no incidents of unauthorized fishing had been reported to it. However, several Sri Lankan vessels had been arrested in the Seychelles' exclusive economic zone and those arrests had been dealt with through Government-to-Government settlements.

99. Concerning technical assistance to member States, IOTC reported that its support had been mainly through the development of statistical sampling schemes. Liaison was being maintained with the FAO Legal Office, which was actively assisting countries, such as Seychelles and Malaysia, to adapt their legislation to incorporate recently concluded international instruments. A workshop was planned to address those issues for IOTC members.

100. **IATTC** reported that unauthorized fishing in the IATTC's area of competence, including areas of national jurisdiction, did not appear to be a significant problem. The Commission also stated that it had not taken measures to provide financial and/or technical assistance to developing coastal States, least developed countries or small island developing States, to improve monitoring and control of fishing activities and the enforcement of their fishing regulations. It indicated that such assistance was not within the mandate of IATTC.

101. The **International Baltic Sea Fishery Commission (IBSFC)** indicated that no unauthorized fishing had been reported in the Baltic Sea.

102. **NAFO** reported that it did not have any specific programme or opportunities to provide assistance to developing countries. At the meetings of the NAFO Scientific Council there had been several instances of participation of representatives from developing countries, and the Scientific Council had encouraged such participation.

103. **NASCO** stated that it was unaware of any unauthorized fishing for Atlantic salmon by vessels entitled to fly the flag of a particular State in areas under the national jurisdiction of another State. It also indicated that the Commission had been established to contribute to the conservation, restoration, enhancement and rational management of Atlantic salmon and was not involved in the provision of support, financial and/or technical assistance to developing coastal States.

104. **NEAFC** pointed out that the Commission had no authority to become involved in bilateral disputes concerning fisheries in areas under national jurisdiction. It had therefore focused its attention on activity in its regulatory area, which was the area beyond the limits of national fisheries jurisdiction in the Convention area.

105. NEAFC also stated that, as a management organization, it did not have a specific programme to provide assistance to developing countries. However, it indicated that information on its newly established Control and Enforcement Scheme had been made available to FAO and experience had been shared with regional management organizations through meetings arranged by FAO on cooperation between regional fisheries management bodies. If called upon, NEAFC would be willing to share its experience with sister organizations. In addition, it indicated that its secretariat had maintained active links and communication with many correspondents around the world and its documents were available through its Contracting Parties and its web site (www.neafc.org).

106. **SEAFDEC** indicated that no operation of unauthorized fishing vessels in areas under the national jurisdiction of States had been reported in the SEAFDEC region.

107. **WECAFC** reported that there had been reports in its region of unauthorized fishing in zones of national jurisdiction in the 1998-1999 period, but the majority of the reports had not been verified. Those reports dealt with unauthorized small-scale fishing between neighbouring countries in the region, which was probably expected because the exclusive economic zones of Caribbean countries formed a mosaic, which included almost all the marine space in the region. It stressed that unauthorized fishing by industrial vessels (shrimping and longlining for large pelagics by vessels from outside the region), which was probably more important to the region, had been reported in the press, but again had not been verified.

108. The Commission added that a number of countries in the WECAFC region had improved or were in the process of improving their MCS capacity, which was not limited to fishing only. One Caribbean island State was contemplating the introduction of legislation that would require fishing boats to report when they left port and when they had returned.

B. Unauthorized fishing on the high seas: measures to deter reflagging to avoid compliance with applicable obligations, measures to ensure that fishing vessels entitled to fly the flags of States do not fish on the high seas in contravention of the applicable conservation and management rules; and status and implementation of the FAO Compliance Agreement

1. Information provided by States

109. **Qatar** stated that no Qatari vessels were currently engaged in fishing on the high seas.

110. **Panama** reported that the international fishing licence it had established in 1997, requiring an authorization for vessels to fish on the high seas, met the requirements of the FAO Compliance Agreement. In addition, to ensure compliance by vessels with international conservation and management measures, Panama indicated that it had accepted the ICCAT port inspection scheme and that it had established a satellite monitoring programme for its large-scale fishing vessels.

111. **Saudi Arabia** stated that vessels entitled to fly its flag were not permitted to fish on the high seas in contravention of the applicable conservation and management rules. To that end, a cooperation existed among the States members of the Gulf Cooperation Council in formulating and applying the rules governing high-seas fishing activities.

112. In addition, in order to deter reflagging to avoid compliance with applicable obligations and to ensure that fishing vessels entitled to fly its national flag did not fish on the high seas in contravention of conservation and management measures, the Saudi Arabia authorities had required written declarations to observe international conservation and management measures before registering vessels and granting them fishing permits.

113. **Namibia** stated that it had accepted the FAO Compliance Agreement in 1998 and that it was currently in the process of revising its Sea Fisheries Act to ensure that it was in conformity with the Agreement. It indicated also that the revised Fisheries Act contained provisions that would allow it to enforce management measures of fisheries organizations to which Namibia was a party.

114. **Japan** reported that it had accepted the FAO Compliance Agreement on 20 June 2000. Furthermore, to deter reflagging, an authorization from the Government of Japan was required to export fishing vessels which were no longer used in Japan. It indicated also that Japan however did not authorize such export of vessels in order to deter them from avoiding the duty under international fisheries agreement and treaty.

115. **Norway** reported that under its fisheries regulations prior registration at the Directorate of Fisheries was required for its fishing vessels and citizens to engage in fishing activities in areas beyond any State's national jurisdiction and on stocks not regulated by Norwegian authorities. The Directorate of Fisheries was entitled to deny registration to a vessel when the fishery in question was considered to be in contradiction with Norwegian fishing interests, when such a denial was required under international agreements, whenever the fishery in question was covered by a regional or subregional fisheries management organization or arrangement or whenever considerations relating to the rational and sustainable execution or completion of a fishing licence made it advisable to do so. The Directorate was also authorized to withdraw a previously granted fishing licence if a vessel had violated any regulation in force on the high seas or any measure adopted by a regional or subregional fisheries management organization or arrangement.

116. In addition, Norway stated that the export of vessels that had been taken out of Norwegian fisheries in connection with the unit quota system was subject to certain restrictions in relation to importing States. Those vessels had been allowed to be sold only to importing States that had responsible fisheries management regimes not conflicting with Norwegian fisheries interests. Export of new or rebuilt vessels, as well as vessels that had been taken out of Norwegian fisheries in connection with a decommissioning grant, was subject to the same restrictions. In that connection, under Norwegian fisheries regulations, the importing State had to be a party to United Nations Convention on the Law of the Sea.

117. Finally, Norway indicated that it had accepted the FAO Compliance Agreement on 28 December 1994. To

the extent that Norwegian legislation and practice were not consistent with the provisions of the Agreement, adjustments could be made as soon as the Agreement entered into force.

118. **Mauritius** reported that in order to avoid the licensing of vessels of flag of convenience, its Fisheries and Marine Resources Act 1998 had defined vessels which could be licensed as vessels which were wholly owned by: (a) the State of Mauritius; or (b) a statutory corporation in Mauritius; (c) one or more persons who were citizens of Mauritius; (d) a company, society or other association (i) incorporated or established under the laws of Mauritius and (ii) of which at least 50 per cent of the shares carrying voting rights were held by the State of Mauritius, a statutory corporation or a citizen of Mauritius. Mauritius also indicated that the FAO Compliance Agreement was still under consideration.

119. **Uruguay** stated that it was a member of a number of international organizations, including ICCAT and CCAMLR, and was therefore required to implement such measures for the protection of species as might be adopted in the framework of those organizations. Uruguay indicated also that it had accepted the FAO Compliance Agreement with its Act No.17.118 of 21 June 1999.

120. **New Zealand** reported that it recognized the importance of taking measures to ensure that vessels entitled to fly its flag did not fish on the high seas in contravention of applicable conventions and management measures and to deter reflagging. New Zealand Fisheries Act 1996 Amendment (No. 2) Act 1999 had been enacted in order to implement the Fish Stocks Agreement. The provisions of that Act, once they entered into force later in 2000, would make it an offence for a vessel flying the flag of New Zealand to take fish on the high seas unless it had a high seas fishing permit. Conditions for the grant of any permit would include compliance with applicable international conservation and management measures. The legislation would also make it an offence for New Zealand nationals and companies to use any vessel flagged in another country on the high seas unless the vessel had an authorization from another State which had the legislative and administrative mechanisms to exercise control over that vessel, such as a State which was party to the FAO Compliance Agreement, to the Fish Stocks Agreement or to the international or regional conservation and management arrangements in the high seas in which the vessel was authorized to fish.

121. New Zealand also pointed out that it was a participant in a number of international, regional and subregional conservation and management arrangements, such as CCAMLR and CCSBT. It had also entered into an arrangement for the conservation and management of orange roughy on the South Tasmanian Rise and had participated along with other coastal States and distant-water fishing nations in the Second Multilateral High-Level Conference on the Conservation and Management of Highly Migratory Fish Stocks in the Western Central Pacific, with a view to concluding an agreement on the conservation and management of the highly migratory stocks of the region.

122. In addition, New Zealand indicated that it had enacted legislation to enable the implementation of the FAO Compliance Agreement and had given consideration to becoming a party to that Agreement.

123. **Cyprus** stated that it had accepted the FAO Compliance Agreement and its instrument of acceptance was being forwarded to FAO. It pointed out, however, that no measures to deter reflagging were yet in place.

124. **Denmark** reported that, in order to be allowed to fish in international waters, Danish vessels had to be issued a licence by the Directorate of Fisheries. The European Union, through its membership of various regional fisheries organizations, had observed and implemented provisions, including the adoption of long-term strategies for many stocks, on behalf of its member States. Denmark also indicated that fishing vessels from Greenland did not fish in waters outside its national 200-nautical-mile boundary, other than the areas regulated by the NAFO and NEAFC conventions.

125. Furthermore, the European Union, representing Denmark and the other member States, had accepted the FAO Compliance Agreement. In addition, it was responsible for the ratification of the Agreement on behalf of Greenland and the Faeroe Islands. Denmark pointed out in that respect that Greenland had approved the Compliance Agreement and was in the process of carrying out further changes in its legislation to implement the Agreement, while final approval from the Faeroe Islands was outstanding.

126. **Mexico** stated that, as a party to the United Nations Convention on the Law of the Sea, it was

committed to taking measures for the conservation and management of marine species and cooperating at the regional and international levels to achieve sustainable use of marine resources. In that connection, it indicated that its Fisheries Act included a prohibition of reflagging and provisions requiring that the national flag would be granted only to vessels which had surrendered their flag of origin. It also contained provisions establishing the responsibilities of the flag State, as well as provisions stipulating that SEMARNAP was the authority responsible for regulating fishing activities on the high seas and that those activities were subject to authorization (see also paras. 79-80).

127. Another important provision of the Fisheries Act concerned the requirement for the establishment of a register of fishing vessels authorized to fly the Mexican flag and operating on the high seas. The Act also made it an offence to fish on the high seas or in waters under foreign jurisdiction with vessels of Mexican registry and flying the Mexican flag without the necessary authorization or without complying with the conditions and requirements established in the authorizations issued to the Government of Mexico by foreign Governments. The Act had established sanctions, including the issuance of warnings, confiscation of the catch and/or imposition of fines.

128. In addition, Mexico indicated that it had deposited with FAO on 11 March 1999 its instrument of accession in respect of the Compliance Agreement.

129. **Barbados** stated that, to deter reflagging, its open registry for ships tended to exclude fishing vessels. Furthermore, the Government had approved becoming party to the FAO Compliance Agreement and the Fish Stocks Agreement and was preparing to become a member of ICCAT. While steps had been taken to implement those decisions, the capacity of Barbados to discharge the consequent obligations would be challenged for some time to come.

130. **Guyana** reported that its Revised Fisheries Legislation contained a section dealing specifically with fishing on the high seas, the main purpose of which was to implement the FAO Compliance Agreement and the Fish Stocks Agreement and to establish a system for the regulation of fishing vessels of Guyana operating outside areas under national jurisdiction. Thus, fishing vessels acting in contravention of the provisions of the Compliance Agreement were deemed to have committed an offence under the Revised Fisheries Legislation and were liable to sanctions, which included refusal, suspension or withdrawal (cancellation) of the authorization to fish on the high seas.

131. Moreover, in order to fish on the high seas, vessels had to possess valid high-seas fishing permits, and such fishing had to be conducted in accordance with the conditions of the authorization. However, the Minister for Fisheries was entitled to deny the issuance of a permit to any fishing vessel of Guyana, if the vessel had been previously used for fishing in the high seas by a foreign State and if (a) the foreign State concerned had suspended the fishing authorization because the vessel had undermined the effectiveness of international conservation and management measures and the suspension had not expired, or (b) the foreign State, within the last three years preceding the application by the fishing vessel for a permit under the Guyana fisheries legislation, had withdrawn such authorization because the vessel had undermined the effectiveness of the international conservation and management measures.

132. Guyana stressed in that respect that a person who provided false information under the section of the Revised Fisheries Legislation governing the conditions of high-seas fishing permits would commit an offence and be liable, on summary conviction, to a fine, or in default thereof, imprisonment.

133. Moreover, fishing vessels entitled to fly the national flag had to be marked in such a way that they could be readily identified in accordance with generally accepted standards, such as the FAO Standard Specifications for the Marking and Identification of Fishing Vessels. They also had to provide to the Fisheries Division information on their operation such as areas of operations, catches and landings.

134. The **United States of America** indicated that it fully supported compliance with conservation and management measures established by regional fisheries organizations and arrangements. The United States was among the first States to deposit an instrument of ratification for the Fish Stocks Agreement. The United States had also been among the first States to accept the FAO Compliance Agreement.

135. The United States implemented the Compliance Agreement through the High Seas Fishing Compliance

Act of 1995 (HSFCA). In accordance with HSFCA, the Secretary of Commerce (the Secretary) had promulgated regulations to establish a permitting system for high-seas fishing vessels, collect application fees and provide notice of international conservation and management measures recognized by the United States. The regulations also specified unlawful activities and provided for appropriate enforcement, civil penalties, permit sanctions, criminal offences and forfeitures. Vessel identification and reporting requirements applicable to vessels fishing on the high seas have also been implemented. HSFCA required the Secretary to issue permits to United States vessels that fished on the high seas. To date, approximately 1,100 permits had been issued. The permit application under HSFCA collected the information called for by the Compliance Agreement. Also in accordance with the Compliance Agreement, this information was maintained in an automated file of high-seas fishing vessels. The National Marine Fisheries Service regularly provided data to FAO as required under the Compliance Agreement. Furthermore, in accordance with section 104 (d) of HSFCA and in accordance with the Compliance Agreement, the high-seas permits issued were conditioned to require the permit holder to act in compliance with all international conservation and management measures recognized by the United States. By so conditioning permits, the United States was of the view that it had acted to prohibit vessels flying the United States flag from engaging in fishing operations for straddling fish stocks or highly migratory fish stocks, whether or not the United States is a member of, or participant in, the relevant management organization or arrangement for such stocks.

136. The United States was a major proponent of the negotiations under way in FAO to develop an international plan of action to prevent, deter and eliminate IUU fishing. In May, experts meeting in Sydney, Australia, made commendable progress in the development of a draft international plan of action. The United States supports the adoption of text for an international plan of action on this topic, along the lines of that negotiated at the expert consultation.

137. The United States also placed particular importance on the need for improved global status and trends reporting. The FAO Advisory Committee on Fisheries Research pointed to the need for a global fisheries information system or network, made up of regional and national entities. The United States supported this recommendation and urged States to take international action to facilitate such a network. There was an important opportunity for progress in controlling IUU fisheries, in part owing to the establishment of an ad hoc working group on IUU fishing between FAO and the International Maritime Organization (IMO). The United States recommended that the ad hoc working group be represented at the upcoming October FAO Technical Consultation and the February 2001 meeting of the FAO Committee on Fisheries.

138. **Trinidad and Tobago** stated that it did not support reflagging or the practice of open registry for fishing vessels. It was in favour of the FAO Compliance Agreement, although it had not yet been ratified.

2. Information provided by specialized agencies of the United Nations system

139. **FAO** reported that, as of 1 August 2000, 17 members of FAO[3] had accepted the 1993 FAO Compliance Agreement. FAO had urged members to accept the Agreement. In total, three Circular State Letters had been sent to members encouraging their acceptance. In addition, members of the regional fisheries bodies of FAO were urged to accept the Agreement at each of their sessions, and FAO staff, as part of their fisheries work in countries, routinely promoted acceptance of the Compliance Agreement.

140. Furthermore, FAO was working towards the elaboration of an international plan of action to combat IUU fishing, within the framework of the Code of Conduct for Responsible Fisheries. In that connection, an Expert Consultation on IUU fishing, hosted by the Government of Australia in cooperation with FAO, had been held at Sydney, Australia, from 15 to 19 May 2000, to elaborate a preliminary draft. The Consultation had been attended by about 60 experts with a wide range of technical and geographic backgrounds. The report of the Consultation would be made available to the FAO Technical Consultation on IUU Fishing to be held in Rome from 2 to 6 October 2000. It was envisaged that the Technical Consultation would negotiate an international plan of action for submission to the Committee on Fisheries (COFI) at its twenty-fourth session in February 2001 for consideration and possible adoption.

141. In addition, FAO pointed out that, as part of the ongoing focus on IUU fishing, a paper had been prepared for the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, held at United Nations Headquarters in New York from 30 May to 2 June 2000. The paper had provided details of FAO's work in progress on IUU fishing. Plans were also under way to strengthen cooperation between FAO and IMO on IUU fishing. The IMO Marine Safety Committee (MSC), at its seventy-second session, in May 2000, had endorsed a proposal by FAO to establish a Joint FAO/IMO ad hoc working group to address issues pertaining to IUU fishing. The first meeting of the Working Group was expected to take place at FAO headquarters in Rome in October 2000. A report of the meeting would be presented to MSC at its seventy-third session at IMO headquarters in London in December 2000.

3. Information provided by regional and subregional fisheries bodies and arrangements

142. **APFIC** stated that, as few of its member countries were conducting high-seas fisheries, response to the 1993 FAO Compliance Agreement in the APFIC region was still low. Nonetheless, APFIC members had been requested to consider accepting the Agreement and to inform FAO of their decision. The Commission had provided its members with a sample instrument of acceptance for that purpose.

143. **CCAMLR** reported that, over the past three years, the Commission had developed a set of integrated measures aimed at reducing the level of IUU fishing for toothfish in the Convention area, in view of the fact that IUU fishing was seriously depleting toothfish populations, causing high incidental mortality of seabirds (in particular, threatened species of albatross) and undermining the objectives and purposes of the Convention.

144. Moreover, at its 18th annual meeting in 1999, the Commission had adopted a Catch Documentation Scheme (conservation measure 170/XVIII) to track the landings and trade flows of toothfish caught in the Convention area and, where possible, in the adjacent waters. The scheme would allow CCAMLR to identify the origin of toothfish entering the markets of all parties to the scheme and help determine whether toothfish taken in the Convention area had been caught in a manner consistent with the Commission's conservation measures. The Catch Documentation Scheme would become binding upon all CCAMLR members on 7 May 2000.

145. CCAMLR had also drawn up an explanatory memorandum and a Policy to Enhance Cooperation between CCAMLR and non-Contracting Parties, recognizing that the scheme would be most effective if non-Contracting Parties also agreed to participate. It had especially sought the cooperation of non-Contracting Parties which might import toothfish caught in the CCAMLR Convention Area or inadvertently or otherwise provide ports and landing facilities to vessels which might have been operating in IUU fisheries for toothfish, thereby enabling such vessels to continue their damaging operations, or whose flag vessels had been sighted fishing in the Convention area.

146. In addition, CCAMLR indicated that, in 1998, it had encouraged its members to ratify and promote the entry into force of the FAO Compliance Agreement.

147. **CCSBT** reported that at its sixth annual meeting, in March 2000, it had adopted an action plan to ensure the attainment of its objectives. The action plan provided, inter alia, for the possible use of trade-restrictive measures consistent with members' international obligations to address non-cooperating non-member States/fishing entities whose vessels had been catching southern bluefin tuna in a manner which diminished the effectiveness of the Commission's conservation and management measures. Members expected that the action plan would encourage non-member States/fishing entities to join the Commission or to formally cooperate with the management arrangements.

148. **CECAF** reported that its members had been constantly reminded of the FAO Compliance Agreement and of the need for their respective Governments to accept it. To date only one CECAF member, Benin, had accepted the Agreement.

149. **GFCM** reported that at its 1999 session the Commission had discussed the issue and had requested its secretariat to prepare a working document for review by the Commission at its next session in September 2000. The document had been drafted and some proposals for action would be submitted to the Commission. The outcome of the discussion would be reported to the Commission at its session in 2001.

150. **IATTC** stated that unauthorized fishing in its area of competence, including the high seas, did not appear to be a significant problem. As to the FAO Compliance Agreement, IATTC indicated that it would be considering measures to address the matter in the near future.

151. **ICCAT** reported that unauthorized fishing on the high seas had been one of its major concerns. As reported in the past, ICCAT had taken numerous actions aimed at curbing the activities of vessels flying the flag of States that had no control on the fishing activities of such vessels. ICCAT had adopted two plans of action, one for bluefin tuna and another for swordfish, whose aim was to reduce the fishing activities by such vessels which undermined the effectiveness of the regulatory measures adopted by the Commission. According to the action plans, the flag countries whose vessels did not comply with the regulatory measures adopted by the Commission were first identified. If no actions were taken to rectify such practices, those flag countries were then warned that non-discriminatory, trade-restrictive actions might be taken. If the Commission's warning was ignored, it then recommended that Contracting Parties take non-discriminatory, trade-restrictive measures against the products of the species concerned from that party. Similar action could also be taken against any Contracting Parties if their vessels did not comply with the Commission's management measures.

152. ICCAT also pointed out that in 1999 it had identified about 300 IUU fishing vessels and had recommended that its Contracting Parties discourage traders from buying fish from those vessels. In another ICCAT recommendation Contracting Parties had been requested not to allow transhipments and/or landings from vessels that were found to be severely undermining the effectiveness of the ICCAT conservation and management programme.

153. With regard to the FAO Compliance Agreement, the Commission indicated that it carried out ongoing studies on the relationship between the Agreement and the work and mandate of ICCAT. In 1994, its members had adopted resolutions regarding the Agreement. Furthermore, on various occasions, ICCAT had also recommended that the Contracting Parties ratify the Agreement.

154. **IOTC** stated that at its fourth session it had adopted resolutions 99/02 and 99/04 which had addressed IUU fishing issues. The Commission had also been encouraging Contracting Parties as well as Collaborating Parties to ratify the FAO Compliance Agreement.

155. In addition, IOTC had been informed that Taiwan Province of China would reintegrate under its flag 68 longliners currently operating under "flags of convenience". The decision was expected to be a prelude to the scrapping (largely with Japanese financing) of some of its older vessels and would certainly contribute to reducing the dearth of data from "flag of convenience" activities.

156. **NAFO** indicated that the Organization had experienced the effect of unauthorized fishing by non-Contracting Party vessels in the NAFO regulatory area. To meet this challenge, NAFO had established the Standing Committee on Non-Contracting Party Activity in the Regulatory Area (STACFAC). The positive outcome of STACFAC actions in the period 1992-1999 had been the establishment of regular diplomatic contacts and NAFO démarches to the Governments of vessels of non-Contracting Parties fishing in the regulatory area. In 1997, the NAFO General Council had adopted a Scheme to Promote Compliance by non-Contracting Parties Vessels with the Conservation and Enforcement Measures Established by NAFO, which had introduced a comprehensive system of international actions to curtail unauthorized activity by vessels of non-Contracting Parties in the NAFO regulatory area. As a result, such fishing activity had decreased to the lowest level in the past 10 to 15 years.

157. Recent actions of NAFO regarding the issue included: (a) the adoption of the statement according to which the term "non-Contracting Party vessel" would include vessels for which there were reasonable grounds for suspecting them of to be without nationality; (b) the right of a Contracting Party to board a vessel without nationality engaged in fishing activities in the regulatory area; (c) exchange of information among Contracting Parties in respect of their reports to FAO on IUU fishing; and (d) diplomatic démarches to Belize, Honduras, Sao Tome and Principe and Sierra Leone urging them to stop the IUU fishing activities of vessels flying their flag in the NAFO regulatory area.

158. **NASCO** stated that in the past it had experienced problems of fishing for salmon in international waters by non-Contracting Parties.

159. **NEAFC** reported that, in 1998, its Contracting Parties had agreed on a control and enforcement scheme to be applied to the activities of Contracting Party vessels in areas outside national jurisdiction. Besides allowing the mutual inspection of Contracting Party vessels, the scheme required Contracting Parties to notify the NEAFC secretariat of vessels authorized to fish in the regulatory area and to report catches in that area. The secretariat also maintained a database with information on all authorized vessels. Moreover, since January 2000, the Contracting Parties had agreed to require the satellite tracking of all vessels fishing outside areas of national jurisdiction in the North-east Atlantic, and had requested the NEAFC secretariat to supply them with an inspection presence in the area with up-to-date information about ongoing fishing activities.

160. In order to bring the activities of non-Contracting Parties under control, NEAFC Contracting Parties had agreed on measures to promote compliance with NEAFC conservation and management measures by non-Contracting Parties fishing in the Regulatory Area. According to those measures, if fishing were conducted on regulated stocks contrary to NEAFC recommendations, non-Contracting Parties could face a prohibition on landings of those catches. Furthermore, observations of vessels from non-Contracting Parties operating in the Regulatory Area were to be followed up by diplomatic contacts between the President of NEAFC and the Government of the flag State of the observed vessel.

161. The Commission noted that recent actions in that regard had included: (a) the adoption of the statement that the term "non-Contracting Party vessel" as used in the Scheme would include vessels for which there were reasonable grounds for suspecting they were without nationality; (b) the boarding and inspection of vessels engaged in fishing activities in the regulatory area suspected to be without nationality and the adoption of appropriate actions by Contracting Parties in accordance with international law; (c) the sharing among Contracting Parties of any reports that they were preparing for consideration by FAO with respect to the FAO initiative on IUU fishing; (d) and the dispatch of letters to the Governments of Belize, Estonia, Lithuania, Saint Vincent and the Grenadines and Sierra Leone.

162. **NPAFC** reported that the parties to the Convention (Canada, Japan, Russian Federation and United States of America) were required to take appropriate measures individually or collectively to prevent unauthorized fishing activities by their nationals and fishing vessels and to prevent trafficking in illegally harvested anadromous fish. Each party therefore had the authority to board, inspect and detain fishing vessels found operating in violation of the Convention.

163. The **Permanent Commission for the South Pacific (CPPS)** reported that CPPS members Chile and Peru had implemented a satellite monitoring system for locating fishing vessels and monitoring fishing operations. Colombia and Ecuador were in the process of setting up the same system. The issue of a vessel monitoring system would be prominent on the agenda of the forthcoming meetings of CPPS working groups on fisheries matters, particularly industrial-scale fisheries.

164. In addition, in connection with the implementation of the FAO Compliance Agreement, CPPS had completed the final stage of the Agreement for the Conservation of Fishery Resources in the High Seas of the South-East Pacific, also known as the Galapagos Agreement. The Agreement was adopted 14 August 2000.

165. **WECAFC** reported that two WECAFC members, Saint Kitts and Nevis and the United States, had accepted the FAO Compliance Agreement. However, although the Agreement was not yet in force, some of its elements were already being implemented by States of the WECAFC region as their fisheries legislation was being revised and other policy changes concerning national authorizations for vessels to fish on the high seas were being implemented. For example, FAO had provided technical assistance to Barbados and to the countries members of the Organization of Eastern Caribbean States (OECS)[4] in the preparation of a bill entitled "Harmonized OECS High Seas Fishing Law". The bill had been sent to the parliaments of two countries for formal review and adoption into legislation.

4. Information provided by other intergovernmental organizations and convention secretariats

166. The **European Union** indicated that it had accepted the FAO Compliance Agreement in 1996 and was awaiting its entry into force. The Union was also of the view that the objective of the Agreement should be at the root of the future international plan of action against IUU fishing.

IV. Fisheries by-catch and discards, and actions, including through assistance to developing countries, to reduce by-catch, fish discards and post-harvest losses

A. Information provided by States

167. **Qatar** reported that it had accorded considerable attention to the conservation of fisheries and protection of the marine environment. Accordingly, a number of laws and decrees had been enacted, including: (a) a prohibition on the trawling method used by large fishing vessels; (b) a prohibition on fishing with nylon or tripartite nets and on the import of such nets; (c) specification of minimum size of fish; and (d) specification of the mesh size and other fishing gear allowed in fishing operations.

168. **Panama** indicated that it had drawn up a project for the implementation of the Code of Conduct for Responsible Fisheries with the support of FAO. It also had ratified the Agreement on the International Dolphin Conservation Programme.

169. **Saudi Arabia** reported that the States members of the Gulf Cooperation Council were developing rules and practices to reduce by-catches. Once those rules and practices were adopted, the Government of Saudi Arabia would observe them. It also indicated that existing statutes already restricted to the extent possible fish discards and post-harvest losses, through the regulation of transportation, conservation and marketing in the interest of the customer. In addition, to reduce incidental catches of marine mammals, Saudi Arabia had enacted laws prohibiting the catch of marine mammals and prohibiting fishing in areas where they existed in large quantities.

170. **Namibia** stated that under current Namibian fisheries legislation it was an offence to discard fish which had been caught. Furthermore, by-catches had been reduced by the introduction of a system of by-catch levies, which were calculated in such a way that they would deter fishing vessels from targeting by-catch species while ensuring that by-catches were not dumped but instead were handled effectively. In addition, all but a very small number of fishing vessels carried observers on board who had as one of their functions to observe catching operations and to report on non-compliance with by-catch measures.

171. **Japan** indicated that it had required Japanese distant-water tuna longline vessels which intended to operate in areas south of 30 degrees South latitude to be equipped with streamers for avoiding seabird catches as a condition for fishing in those areas, in accordance with the relevant CCSBT decision on the issue.

172. **Norway** stated that under the Norwegian Salt Water Fisheries Act, discarding of all economically important species was prohibited. All fish caught within Norwegian waters had to be brought to port regardless of size, and those portions of the harvest caught as by-catch would be confiscated upon landing and deducted from the quotas. As an additional measure, Norway had developed a programme to monitor different fisheries at sea and to close areas temporarily where the intermixture of juvenile fish was above certain levels, until the intermixture had decreased.

173. Norway added that since the long-term closure of fishing grounds might cause problems in attaining a rational fishery, long-term efforts had focused on improving the selectivity of trawl gears through the development of grid technology in the shrimp and cod fisheries. The use of grid technology in the shrimp and cod fisheries had become compulsory in 1993 and 1997 respectively.

174. **Mauritius** reported that the types of fisheries practised in Mauritius did not produce by-catch except in one situation, where remedial action was being envisaged.

175. **Uruguay** stated that it had issued Decree No. 248/997 of 23 July 1997, by which a series of measures had been adopted for the protection of albatross and other species of seabirds during fishing activities. In addition, Uruguay, as a member of a number of

international organizations, including ICCAT and CCAMLR, was required to implement such measures for the protection of species as might be adopted in the framework of those organizations.

176. **New Zealand** reported that it was an offence under its fisheries law to dump any fish species that was subject to the quota management system, the primary management tool for the main commercially fished species in New Zealand. The primary exemptions to that rule were where size restrictions applied (in which case a fisher was required to return any undersized fish to the sea) or where the fish had been returned or abandoned to ensure the safety of the vessel or crew. Discarding of non-target fish species, which were not subject to the quota management system, was not prohibited. Observers were regularly deployed on vessels operating in New Zealand's main fisheries to undertake a number of duties, including regular monitoring of the level of discards.

177. New Zealand further reported that in the past two years the Ministry of Fisheries had commissioned four projects to investigate the nature and extent of fish by-catch and discards in New Zealand's main trawl fisheries, tuna longline fisheries, and the bottom longline fishery for ling. The research was ongoing. However, results to date from these projects suggested that total discard rates across these fisheries ranged from 1 to 5 per cent of the total weight retained. In the main trawl fisheries, it appeared that most discards of target species or species subject to the quota management system were attributable to gear failures or burst nets.

178. Increasingly, vessels operating in New Zealand's larger trawl fisheries (hoki and southern blue whiting) had on-board meal plants and had utilized fish species that would have been discarded in the past. Further, continued market development for products derived from secondary species was resulting in greater utilization of those species, some of which might have been discarded in the past.

179. **Cyprus** stated that by-catches, fish discards and post-harvest losses were insignificant and therefore no specific actions had been considered necessary.

180. **Denmark** reported that technical conservation measures were an important tool in terms of protecting young fish stocks, limiting discards and improving selectivity in fisheries. In that respect, given the general need for knowledge and research, as well as general integration of environmental policies in all areas, the EU Council of Fisheries Ministers had recently prepared a report on integrating environmental issues and sustainable development into fisheries policy. The exercise would lead to a comprehensive review in 2001 of the process of integrating environment protection requirements and sustainable development into priority sectoral policies, as well as the adoption of a strategy for sustainable development.

181. In addition, Denmark indicated that Greenland had also approved the Code of Conduct. However, while the provisions of the Code to a large degree were already reflected in the existing national legislation of Greenland, attention was being directed to the question of whether further changes in the legislation were necessary in order to fully implement the Code.

182. With regard to assistance to developing countries, Denmark stated that EU had entered into fisheries agreements with several countries of the African, Caribbean and Pacific regions. Provisions of these agreements included development assistance regarding monitoring of fish stocks, scientific research etc., with the objective of a sustainable exploitation of fisheries resources.

183. **Mexico** reported that its 1995-2000 Fisheries and Aquaculture Programme, which constituted its national fishery policy instrument, included two subprogrammes to reduce by-catches, fish discards and post-harvest losses, involving (a) research into the monitoring and optimization of fisheries and (b) research and technological development in commercial fisheries harvesting, the objectives of which were to assess the technical and operational efficiency of fishing methods in commercial fisheries; to optimize fishing-gear prototypes according to the type of vessels and the conditions prevailing in the fisheries; to assess selectivity processes in the principal types of commercial fishing gear; and to develop alternative methods and devices for fishing and exclusion to eliminate by-catch, especially in trawl fishing, and make such methods more effective in terms of environmental protection.

184. In addition, Mexican authorities had also implemented two programmes which had been very effective in reducing by-catch in commercial fisheries. Under the first, dolphin by-catch in tuna fisheries had been reduced by 98 per cent in the past 10 years through the use of special equipment, the carrying out

of manoeuvres and the supervision of 100 per cent of fishing trips. Furthermore, efforts to protect sea turtles had been strengthened through the use of turtle excluding devices throughout the Mexican shrimp-fishing fleet. Feasibility studies were also being conducted on the use of fish-excluding devices to minimize the by-catch of non-target species and particularly of juvenile fish, and tests were being conducted with a view to making use of companion species, minimizing discards, releasing live non-target fish such as juvenile tuna and swordfish and other "sharp-nosed" species (*picudos*) in longline tuna fisheries in the Gulf of Mexico and reviewing the practice of catching and releasing species reserved for game fishing.

185. **Barbados** stated that by-catch, discards and post-harvest losses were not issues for Barbados. Moreover, the provision of international assistance to facilitate implementation of the Code through institutional analysis and capacity-building had been disappointing. An example of this was the poor donor response to the extrabudgetary FAO programme for the small island developing States.

186. **Guyana** reported that it had implemented its Marine Boundaries Turtle Excluder Device Order (1994), which dealt with the problem of accidental harvesting of turtles by trawl nets. Accordingly, penalties were imposed for non-compliance with Guyana's sea turtle protection regulations, contained in the enforcement programme developed in May 1999. As regards fish discards, fishermen and companies had been required to submit log-sheet data on a monthly basis to the Fisheries Division, and processing plants had to submit production data on their daily operations. Furthermore, as part of an at-sea observer programme, a training and orientation workshop for fisheries observer trainees had been conducted in Guyana from 24 January to 4 February 2000. The trainees were tentatively scheduled to commence work on 1 July 2000.

187. Guyana further reported that it had distributed copies of the Code of Conduct for Responsible Fisheries to the various fishermen's cooperative societies, large companies, the Guyana Association of Trawler Owners and Seafood Processors and other relevant stakeholders in the industry. A series of seminars on the Code was also being planned for the three counties, Essequibo, Demerara and Berbice, at which the major aspects of the Code would be dealt with.

188. The **United States of America** indicated that it was especially interested in efforts to reduce by-catch, fish discards and post-harvest losses. By-catch had become a central concern of fishing industries, resource managers, scientists and the public, both nationally and globally. By-catch concerns stemmed from the apparent waste that discards represented when so many of the world's marine resources were either utilized to their full potential or were overexploited. In addition to by-catch of fisheries resources, by-catch issues applied to marine mammals, sea turtles, seabirds and other components of marine ecosystems. It was increasingly recognized in the United States and throughout the world that by-catch could impede efforts to achieve sustainable fisheries. Since the 1997 United States report to the Secretary-General (A/52/555, paras. 23-25), the United States had undertaken additional important steps to reduce fish discards and by-catch in domestic and international fisheries. Domestically, a recent assessment of discarding in United States fisheries had indicated that of 159 distinct fisheries, discarding affected at least 149 species or species groups. The passage of the Sustainable Fisheries Act in 1996 represented an important milestone on the by-catch issue (for details of the Act, see A/52/557, para. 96). As directed by the Magnuson-Stevens Fisheries Conservation and Management Act, the National Marine Fisheries Service (NMFS) had recently developed advisory guidelines to assist implementation of various national standards.

189. In order to respond to by-catch issues and increasing regulatory requirements, the United States fishing industry in 1992 had initiated a series of workshops which had resulted in the preparation of a national By-catch Plan to clearly articulate NMFS objectives, priorities and strategies in this area (see also A/52/557, para. 97).

190. The United States was also actively involved in efforts to reduce by-catch and fish discards in international fisheries through international treaties and domestic legislation. These efforts included measures to reduce dolphin mortality in the eastern tropical Pacific tuna fishery and the incidental mortality of sea turtles in commercial shrimp fisheries throughout the world, efforts to enforce the worldwide ban on drift-nets and voluntary plans to mitigate the mortality of

seabirds in longline fisheries. The United States had also strongly advocated for and supported provisions on minimizing waste, discard and catch of non-target species (both fish and non-fish species) in the recently concluded negotiations to establish a regional fisheries management organization for highly migratory fisheries in the central and western Pacific Ocean. The United States was also party to several international agreements and measures that contain provisions on by-catch and discards.

191. Regarding assistance provided to developing countries on by-catch reduction efforts, the United States reported that the United States Agency for International Development (USAID) was the primary independent government agency that dispenses foreign aid for civilian purposes. Since 1979, USAID had identified three main areas of fisheries assistance priorities: (a) stock assessments; (b) pond dynamics in aquaculture; and (c) post-harvest losses/spoilage and by-catch reduction. Over the years, USAID had dedicated funding to the first two priorities, but had not committed substantial funding in the area of by-catch reduction.

192. **Trinidad and Tobago** stated that the use of turtle excluder devices by commercial shrimp trawlers was mandatory under the laws of the country. Furthermore, Trinidad and Tobago was a member of the WECAFC Ad Hoc Working Group on Shrimp and Groundfish along Brazil, Guyana, French Guiana, Suriname and Venezuela. The Working Group had conducted continuing assessments of shrimp and groundfish resources of the subregion and had collaborated on methods and devices for the reduction of by-catches and fish discards. Moreover, Trinidad and Tobago was a participating member of the UNEP Global Environmental Fund project entitled "Reducing the Impact of Tropical Shrimp Trawling Fisheries on Living Marine Resources through the Adoption of Environmentally Friendly Techniques and Practices" (see paras. 169-171 below).

193. In addition, Trinidad and Tobago indicated that a Fish Processing and Quality Assurance Unit had been attached to the Fisheries Department of the Caribbean Fisheries Training and Development Institute which was operated by the Government of Trinidad and Tobago through the Ministry of Agriculture, Land and Marine Resources. The Unit had conducted training of fishermen, vendors and salespersons, officials of the ministries of Health, Agriculture and Fisheries and the general public in proper fish handling, as well as preservation techniques and quality assurance. The training was carried out at both institutional and community levels.

B. Information provided by specialized agencies of the United Nations system

194. **FAO** reported that it had executed the preparatory phase of a project aimed at reducing the environmental impact of tropical shrimp trawl fisheries involving 13 developing countries from four different regions with funding from the Global Environment Facility (GEF). Capture of juvenile food fish had been identified as a major problem in these fisheries and future assistance programmes by FAO would be devoted to mitigate that problem. One of the regular programme projects of FAO was aimed at reducing both by-catch and discards in fisheries through a combination of selective fishing to reduce by-catch and better utilization of by-catch in order to reduce discards. Another project was aimed at making better use of low-value catches and underutilized species. Furthermore, FAO was collaborating with the Natural Resources Institute of the United Kingdom and with institutes in countries of West Africa in validating methodologies for post-harvest fish loss assessment and in preparing loss assessment manuals.

C. Information provided by organs, organizations and programmes of the United Nations

195. **UNEP** reported that it had been the implementing agency for the project entitled "Reducing the Impact of Tropical Shrimp Trawling Fisheries on Living Marine Resources through the Adoption of Environmentally Friendly Techniques and Practices" which was executed by FAO with GEF funding.

196. The project, which was now nearing completion, was global in scope and had included the participation of Bahrain, Bangladesh, Cameroon, Costa Rica, Colombia, Cuba, Indonesia, the Islamic Republic of Iran, Nigeria, the Philippines, Trinidad and Tobago, the United Republic of Tanzania and Venezuela. Its primary objective was to organize regional and national activities aimed at reducing the effects of tropical shrimp trawling operations on habitats and species by:

(a) promoting the use of best practices and technologies, including by-catch exclusion technology; and (b) facilitating the development of strategies and the revision of national policies so as to remove existing barriers to adopting practices designed to minimize impacts on non-target species and habitats.

197. As part of the project's activities, a Workshop of National Coordinators had been convened in Rome, from 17 to 19 March 1999. Participants had provided brief overviews of shrimp trawl fisheries in their respective countries, focusing on the nature and scale of identified problems relating to by-catch, discards and habitat impacts. The workshop was followed by four regional workshops held in each region with the participation of all countries with important shrimp fisheries.

198. In addition, a number of UNEP-related conventions and action plans under the regional seas programmes, had at various levels addressed the issues of fisheries by-catch, fish discards and post-harvest losses within their respective mandates.

D. Information provided by regional and subregional fisheries bodies and arrangements

199. **APFIC** reported that it had organized a Symposium on Fish Utilization in Asia and the Pacific at Beijing in September 1998. The Symposium addressed issues concerning by-catches, low-value fishes, discards and wastes, including their utilization and improved processing technologies.

200. **CCAMLR** pointed out that there was a paucity of information on the abundance of by-catch species, especially those of the families *Rajidae* and *Macrouridae* that were caught in longline fisheries. The Commission had therefore adopted a number of measures aimed at reducing by-catch in fisheries, including all new and exploratory fisheries (both longline and trawl), as well as at the collection of by-catch data. Those measures had been incorporated in the CCAMLR conservation measures. Progress had also been made with the development of a general CCAMLR conservation measure on by-catch management.

201. **CECAF** indicated that the issues of by-catches and discards were more relevant in the shrimp fisheries. The shrimp trawlers in the region, usually under pressure to meet landing targets, had significant by-catches, which they discarded. Artisanal fishermen had collected some of the unwanted fish, but the major portion had been dumped at sea. Some demersal trawlers also registered by-catches, which they had landed or sold at sea.

202. In that connection, CECAF reported that concerns relating to by-catches and discards in shrimp fisheries had been the object of a recent GEF/UNEP/FAO Regional Workshop on Reduction of the Impact of Tropical Shrimp Fisheries held at Lagos in December 1999. The Workshop, inter alia, had not only elucidated the efforts being made by some African countries in addressing the problem, but had also pointed out how discards/by-catches were being handled and utilized in the respective countries. In addition, post-harvest losses had been the focus of an EU-financed regional fish catch utilization project, conducted at Abidjan. Through external assistance (mainly through FAO), Governments had complemented regional efforts in strengthening their quality assurance systems to comply with EU fish and fishery product import regulations. Assistance had also been provided through information supply, advice and direct technical assistance in promoting and developing value-added products; in some cases from by-catches.

203. **CPPS** indicated that in its South-East Pacific Fisheries Management and Modernization Project, the Commission would take into account issues relating to the reduction of size of catches and post-harvest losses as the best way of helping to conserve fisheries resources and protect fisheries.

204. **GFCM** indicated that its Scientific Advisory Committee in May 2000 had discussed the issues of post-harvest losses. The subsidiary bodies of the Advisory Committee had been instructed to follow up on the matter and report to the Commission at its subsequent sessions.

205. **IOTC** reported that since its third session, it had been given a mandate to collect statistical data on by-catch and discards. Consequently, it had addressed requests to Contracting and Coliaborating Parties to provide data, but responses had been limited because most existing statistical systems did not record non-target and dependent species (NTADs). Moreover, software currently under development was intended to be distributed to interested parties for recording

logbook and port-sampling surveys, including provision for recording data on NTADs. In addition, IOTC was setting up port sampling in a number of key longline landing and trans-shipment centres that would record retained by-catch, and skippers would be interviewed on discarding. The Commission indicated, however, that little was expected of the exercise, since the only way to accurately record discards was recognized to be observer programmes, which were currently rare because of cost and logistical considerations.

206. **IATTC** reported that at its 58th meeting (San José, 3-5 June 1997) the IATTC Parties had agreed to establish a By-catch Working Group to address the problem of by-catches and discards associated with purse-seine fisheries in the eastern Pacific Ocean. The latest recommendation of the Working Group had included several operational and research recommendations designed to reduce the capture and discards of small tuna and non-target species.

207. In a resolution on by-catch adopted at the 66th meeting (San José, 12-15 June 2000), the IATTC Parties had agreed to implement, as of 1 January 2001, a one-year pilot programme to require all purse-seine vessels to first retain on board and then land all bigeye, skipjack and yellowfin tuna caught, except fish considered unfit for human consumption for reasons other than size, in order to provide a disincentive to the capture of these small fish. In the same resolution, the Parties had further requested the secretariat to continue evaluating the effectiveness of other measures to reduce by-catch and to develop a programme, for consideration by the Parties before the end of 2000, for obtaining data on by-catches by purse-seine vessels not covered by the observer programme and by longline vessels and other tuna-fishing vessels.

208. **IBSFC** stated that by-catches were monitored and regulated in the Baltic Sea by the IBSFC Fishery Rules.

209. **ICCAT** reported that considerable assistance had been provided to developing countries for monitoring and controlling fishing activities, mostly in the form of technical assistance and, in some cases, financial assistance. In particular, ICCAT experts had visited those countries to provide specific advice relative to each country's fishing as well as consultation advice to improve data collection schemes, monitoring and enforcement systems. In the past, several training courses had been given to scientists and technicians working in those fields. ICCAT had also provided financial assistance to developing countries for carrying out biological sampling and observer programmes and for the collection of statistics.

210. **NAFO** reported that, although as an international organization, it did not become involved in any direct support activity to developing countries, NAFO experience was accessible and available through numerous NAFO publications circulated broadly around the world and through the NAFO web site (www.nafo.ca).

211. NAFO indicated also that it had adopted a number of specific regulations to deal with the matters of by-catches, discards and post-harvest losses, through the NAFO Conservation and Enforcement Measures. Regulations provided for incidental catch limits, recording of catch; report of by-catches, minimum fish size and specific management measures for shrimp fisheries.

212. **NASCO** stated that the Commission was concerned about the possible by-catch of salmon in pelagic fisheries in NASCO's North-east Atlantic Commission area. With regard to assistance to developing countries to reduce by-catches, NASCO had been established to contribute to the conservation, restoration, enhancement and rational management of Atlantic salmon and was therefore not involved in the provision of financial and/or technical assistance to developing countries.

213. **NEAFC** reported that the control and enforcement scheme which was adopted in 1998 by its Contracting Parties required vessels fishing in the regulatory area to keep a logbook for recording catch and fishing effort and a production logbook during operations in international waters. The logbook had to allow for the recording of catch discarded as an option for the Contracting Parties. NEAFC recommendations provided also for a minimum mesh size when fishing for capelin and blue whiting. No rules, however, existed on by-catches of other species, except that they had to be recorded and reported.

214. **SEAFDEC** reported that it had promoted and developed turtle excluder devices and had demonstrated them in the region under a long-term programme for the conservation and management of sea turtles. A series of regional meetings had also been held to promote awareness-raising on the issue.

SEAFDEC cautioned, however, that the term "by-catch" was not appropriate in the context of SEAFDEC and the Association of South-East Asian Nations (ASEAN), and the term "incidental catch" was coming to be preferred in the region. In addition, SEAFDEC had also begun to develop juvenile and trash fish excluder devices.

215. **WECAFC** reported that some countries in the region which had shrimp trawl fisheries (e.g., Brazil, Colombia, Guyana, Mexico, Suriname, Venezuela) were now landing more by-catch for human consumption than in the past, partly as a result of increasing demand for fish and higher prices for fish. By-catch to a greater or lesser extent in most countries was now more important commercially, and by-catch of certain species, together with the factor of size, had become a target only second in importance to shrimp. The trend was likely to continue in view of growing populations, changing food habits and increasing fish prices.

216. WECAFC added that the issue of by-catch, discards and utilization was to a large degree area-specific, since each area had its own features. For example, by-catch had been produced not only by industrial shrimp trawlers but also by artisanal and semi-industrial trawling for shrimp in the region. The proportion of juvenile fish (and shrimp) appeared to be higher in those sectors. However, given their fishing methodology, by-catch reduction devices would be difficult to incorporate.

217. In an attempt to reduce by-catch from trawl fishers, some countries had introduced turtle exclusion devices. Mexico and Venezuela were experimenting with the use of fish exclusion devices, with a focus on juveniles.

E. Information provided by other intergovernmental organizations and convention secretariats

218. **CMS** stated that the question of incidental catch of cetaceans, seabirds and marine turtles from fishing operations was of grave concern to CMS and its related agreements. By-catch had been known to be a major factor in mortality rates of a number of migratory species listed on the appendices of CMS and subject of specific agreements concluded under the auspices of that Convention. A resolution adopted at the sixth meeting of the Conference of the Parties (Cape Town, 1999) had highlighted the threat to the survival of endangered migratory species from incidental catch in fishing operations. In view of this situation, provisions had been included in CMS associated agreements and actions had been taken at their respective meetings to address the issue of incidental catch of non-target species.

219. In addition, CMS was currently supporting a study on fisheries interactions in Sri Lanka which would examine, among other things, the extent of by-catch of Olive Ridley Turtles. Furthermore, a CMS-sponsored regional agreement for the Indian Ocean currently under development would also address marine turtle by-catch.

V. Implementation of the FAO international plans of action for the management of fishing capacity, for reducing incidental catch of seabirds in longline fisheries and for the conservation and management of sharks

A. Management of fishing capacity

1. Information provided by States

220. **Panama** stated that, in accordance with and in furtherance of the international action plans for the management of fishing capacity, it had reduced its fishing fleet by more than 70 per cent and had adapted its fleet to the requirements of regional organizations of the areas in which these vessels fished.

221. **Japan** reported that the Government of Japan had taken appropriate measures to reduce by about 20 per cent the number of its distant-water tuna longline vessels in accordance with the International Plan of Action for the Management of Fishing Capacity.

222. **Norway** reported that its Ministry of Fisheries was currently awaiting a report from the Directorate of Fisheries with suggestions for a plan of action for the management of fishing capacity.

223. **Mauritius** stated that although it did not have the elaboration of a large fishing capacity, in the labour-intensive artisanal fishery, fishermen were being

encouraged to surrender their nets (large nets, gill nets and cast nets). It pointed out that its Fisheries and Marine Resources Act of 1998 had completely banned the use of cast nets and had reduced the number of large nets in Mauritius from 33 to 10 and gill nets from 19 to 10.

224. **Cyprus** indicated that it managed fishing capacity through the granting of fishing licences.

225. **Denmark** stated that the European Union had adopted the International Plans of Action for the Management of Fishing Capacity. Moreover, the recommendations therein were in accordance with the general elements of the European Union Common Fisheries Policy. The EU total allowable catch (TAC) quota regulation, supported by scientific advice, had also been an important instrument in EU fisheries management. In that connection, Denmark indicated that the introduction in EU of the multi-annual guidance programmes had the objective of adjusting EU fleet capacity to a level corresponding to the available fisheries resources.

226. In addition, Denmark indicated that the Greenland Home Rule Government was currently analysing to what extent the guidelines contained in the International Plans of Action for the Management of Fishing Capacity, were relevant for Greenland.

227. **Mexico** reported that it had been working towards the implementation of the recommendations contained in the International Plan of Action for the Management of Fishing Capacity, mostly through the assessment and monitoring of fishing capacity and by preparing and implementing national fishing capacity management plans.

228. Mexico also had been working at the regional level within the framework of the Inter-American Tropical Tuna Commission (IATTC), of which it was a member, where measures had been adopted to limit the growth of the fishing fleet operating in the eastern Pacific Ocean. In 1998, it had been agreed that the carrying capacity of Mexico's purse-seine tuna-fishing fleet in the eastern Pacific should be restricted, and those restrictions were currently in force.

229. Mexico also hosted a technical consultation in December 1999, which had produced recommendations on elements to be considered in measuring fishery capacity.

230. **Barbados** stated that the International Plan of Action for the Management of Fishing Capacity would receive attention in the revision of the Barbados Fisheries Management Plan, which was currently in progress.

231. **Guyana** reported that the problem of overcapacity was practically non-existent in the Guyana fishing industry. Although evidence had shown that some species of large penaeids might have been overexploited, there were other species of finfish which were virtually not being exploited to their full potential.

232. In addition, Guyana's industrial trawl fishery, which consisted of 126 trawlers that had fished mainly for prawns, seabob with some species of finfish occurring as by-catch, was a limited entry fleet which currently had a limit of 100 vessels for prawns and 30 for seabob. There were no plans to increase that limit in the near future. Guyana also indicated that the semi-industrial fishery, which consisted of vessels known as handliners which targeted mainly snappers and groupers, was currently being expanded. However, that expansion, which was being guided by a survey conducted by Fritjodf Nansen, was being carried out in a cautious manner, until more was known about the availability of the resource.

233. Guyana further reported that its artisanal fishery, which consisted of about 1,300 vessels which targeted mainly finfish, was currently an open-access one with no limit to the number of vessels which could enter the fisheries. However despite this absence of limits on fleet size in the sector, expansion had not been occurring in a rapid manner.

234. The **United States of America** indicated that it had taken a number of internal actions to study, assess and begin to address the problem of overcapacity in its domestic fisheries. First, a congressionally mandated study (the Federal Investment Study) prepared by a task force of non-government experts and completed in mid-1999 had examined the roles of federal subsidies and other government programmes that influenced levels of capacity and capitalization in federally managed fisheries. Second, NMFS had formed an internal task force of fishery economists and other experts to develop qualitative and quantitative measures of harvesting capacity in the fisheries sector, and this task force had issued its final report with recommendations in late 1999. Third, pursuant to this

task force report on capacity, NMFS had decided to undertake two reports on levels of capacity and overcapacity in federally managed fisheries: (a) a qualitative report to be completed in June 2000, and (b) a more technical quantitative report to be completed at the end of fiscal year 2000.

235. With those steps, the United States had made significant progress in determining the causes of overcapacity in its domestic fisheries, had developed formal metrics to assess levels of capacity and overcapacity and had applied those measures to federally managed fisheries with the result that the United States Government had a much more solid understanding of the precise scope and extent of the overcapacity problem in our domestic fisheries. In the coming years, NMFS would seek to remedy this problem. The goal, as stated in the National Oceanic and Atmospheric Administration (NOAA) Fisheries long-term strategic plan, was to reduce by 20 per cent the number of overcapitalized fisheries by fiscal year 2005.

2. Information provided by specialized agencies of the United Nations system

236. **FAO** reported that it had taken steps to provide support to the implementation of the International Plan of Action for the Management of Fishing Capacity. In that connection, it indicated that a Technical Consultation had been organized in Mexico from 29 November to 3 December 1999 to address issues pertaining to the measurement of fishing capacity. Technical guidelines for the measurement and management of fishing capacity were being prepared and were scheduled to be published during the latter half of 2000. Together with the existing Code of Conduct for Responsible Fisheries, technical guidelines on fishery management, the document would provide guidance for the implementation of the International Plan of Action. FAO also was in the process of organizing a series of regional workshops on the management of fishing capacity. An expert consultation on the reduction of fishing capacity would also be organized in 2001.

3. Information provided by regional and subregional fisheries organizations

237. **AFPIC** stated that it had informed its members about the International Plan of Action for the Management of Fishing Capacity.

238. **CECAF** indicated that appropriate regulatory measures were being taken to limit licences and vessel size in an effort to address the overcapacity issue, especially in the demersal fisheries in the region. Considering the sensitive nature of fishing licences in most of the countries, the measures indicated a shift in political will to reduce fishing capacity. Meanwhile, the measurement of fishing capacity in the region through guidelines was being developed.

239. **CPPS** stated that it was important to adopt at the national and regional levels the International Plan of Action for the Management of Fishing Capacity.

240. **IATTC** indicated that its Contracting Parties had agreed to limit their purse-seine fleet capacities to specified levels until June 2000, when the limits would be discussed at the annual meeting of the Commission. The Parties had also agreed to establish a Permanent Working Group to regularly address capacity issues and to prepare a comprehensive draft plan for the regional management of fishing capacity in accordance with the FAO action plan.

241. **ICCAT** stated that it had participated in the development of the International Plan of Action for the Management of Fishing Capacity. After it had been adopted by the FAO Committee on Fisheries, the Commission had officially resolved to support it.

242. **IOTC** stated that Commission resolutions 99/02, 99/03 and 99/04, had addressed the fleet capacity management issue. There was also considerable pressure from coastal States to ensure that they were allowed the opportunity to develop their own tuna fisheries.

243. **NEAFC** indicated that it had not taken up the issue of an international plan of action for the management of fishing capacity.

244. **SEAFDEC** reported that it had commenced promoting the management of fishing capacity under phase III of its programme relating to the regionalization of the FAO Code of Conduct for Responsible Fisheries. It indicated also that a joint activity with FAO had been planned before the end of 2000 on the issue of excess fishing capacity.

4. Information provided by other intergovernmental organizations and convention secretariats

245. The **European Union** noted that under the work schedule for the International Plan of Action for the Management of Fishing Capacity it would make its submission to the FAO Committee on Fisheries in February 2000. At the Community level, the member States and the Commission would work jointly to present an EU draft plan on the issue.

B. Reduction of incidental catch of seabirds in longline fisheries

1. Information provided by States

246. **Denmark** indicated that EU, on behalf of its member States, had adopted the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries. The recommendations therein were in accordance with the general elements contained in the EU Common Fisheries Policy.

247. Denmark added that the Greenland Home Rule was currently analysing to what extent the guidelines contained in the International Plan of Action might be relevant for Greenland.

248. **Japan** stated that the Government of Japan was planning to draw up a domestic plan of action in respect of the International Plans of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries.

249. **Norway** indicated that its Ministry of Fisheries had requested a report from its Marine Research Institute on incidental catches of seabirds in longline fisheries and would consider follow-up measures in the light of the report. The Institute had already tested several different ways of reducing such incidental catch.

250. **Uruguay** reported that it had issued Decree No. 248/997 on 23 July 1997, by which a series of measures had been adopted to protect the albatross and other species of birds during fishing activities.

251. **New Zealand** stated that it and its adjacent islands supported the world's most diverse community of albatross, many species of which were endemic to New Zealand. It therefore had a major responsibility to ensure that those communities were protected from human-induced mortality and had placed emphasis on development measures to reduce the incidental mortality of seabirds, particularly in longline fishing for tuna. In late 1998, for example, experimentation and trials had been undertaken regarding the sink rates of longline setting devices. As a result of these experiments, its vessels, which were authorized to fish in the waters within the CCAMLR Convention area to have a zero seabird catch for the 1998-1999 and 1999-2000 seasons.

252. In addition, in line with the recommendations of the FAO International Plan of Action on seabirds, New Zealand had developed a draft national plan of action on seabirds, proposing the establishment of seabird capture limits in all fisheries that were currently believed to be experiencing by-catch problems with albatross and petrels. The action plan was scheduled to be approved by 1 October 2000.

253. In addition to the development of its national plan of action, the New Zealand Government and the national fishing industry would be jointly hosting the International Fisheries Forum on the issue, to be held at Auckland in November 2000.

254. **Cyprus** stated that no seabirds were caught by the fishing methods used by its vessels.

255. **Mexico** reported that it did not currently keep records of by-catches of seabirds in its longline fisheries. However, the country's longline fisheries were being studied to determine whether there was a problem with such by-catches. If there was, a national plan of action would have to be adopted.

256. **Barbados** stated that the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries had been noted. However, the incidental catch of seabirds was not an issue for the longline fisheries of Barbados.

257. **Guyana** indicated that the problem of incidental catch of seabirds in its fisheries was not prevalent owing to its tropical situation and the absence of longlining fishing activities. If any seabirds were caught incidentally in Guyana fisheries, the amount was very minimal.

258. The **United States of America** indicated that United States Government agencies had not waited for the passage of the International Plan of Action to begin the work of seabird protection and management. Many measures had already been implemented to reduce the

incidental catch of seabirds through statutes, including the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act and the Migratory Bird Treaty Act. The United States national plan of action was currently under development as a collaborative effort between the National Marine Fisheries Service (NMFS) and the United States Fish and Wildlife Service (FWS), with anticipated completion of the plan by fall 2000.

259. The United States added that the Pacific regions of NMFS had been studying incidental seabird catch for several years and were in the process of quantifying the incidental catch in their respective longline fisheries. NMFS had recently completed a study of the effectiveness of seabird avoidance measures in the North Pacific longline fisheries. FWS and NMFS continued to work collaboratively on biological research on seabirds, including a biological opinion on the Bering Straits/Aleutian Islands and Gulf of Alaska groundfish fisheries interactions with the short-tailed albatross. As required by the Endangered Species Act, the fisheries with likely interactions between listed seabird species were subject to observer requirements.

260. As signatory to the Convention on the Conservation of Antarctic Marine Living Resources, the United States required its vessels in Convention area waters to comply with Convention guidelines on seabird protection. The Pacific Halibut Act also authorized the Alaska region to promulgate regulations, including those concerning seabirds, on the halibut fishery. Both the Pacific and the Western Pacific management councils were developing new seabird protection measures in their respective longline fleets. The Western Pacific Fishery Management Council had also held additional workshops designed to educate longline fishermen about reducing their seabird incidental catches.

261. NMFS had developed an agency-wide plan of action to address in general terms the management of by-catch in the national fisheries, including reducing the incidental catch of seabird species.

262. The United States indicated that FWS and NMFS were preparing a formal memorandum of understanding that detailed the national plan of action as a cooperative effort between the two agencies while describing the delegation of duties. The national plan of action inter-agency seabird working group continued to collect and organize information on seabird fisheries interactions within the framework of the plan of action. This brought together intra-agency as well as inter-agency cooperation to help implement the action plan.

2. Information provided by specialized agencies of the United Nations system

263. **FAO** reported that some countries had initiated development of national plans of action. The role of FAO was to disseminate the text of the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries and technical guidelines. It indicated that the FAO secretariat had participated in a regional meeting where implementation of the action plan on seabirds was discussed for countries of the Arctic region. In addition, FAO was in the process of developing an Internet web page where progress in the implementation of the International Plan of Action would be displayed.

3. Information provided by regional and subregional fisheries bodies and arrangements

264. **APFIC** indicated that it had informed its members about the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries.

265. **CCAMLR** stated that it had led the way in setting measures to reduce and prevent the incidental mortality of seabirds in longline fisheries. The CCAMLR Scientific Committee and the Commission itself annually reviewed implementation of those measures. Most of the measures developed by CCAMLR over a number of years had been incorporated in the seabirds action plan adopted by FAO in 1999. CCAMLR had requested its members to develop and implement national plans in support of the seabirds action plan by 2001.

266. **IBSFC** indicated that the incidental catch of seabirds in fishing operations was minimal in the Baltic Sea.

267. **NAFO** reported that it did not have any special plan of action on the incidental catch of seabirds in longline fisheries, owing to the almost non-existent or minimal longline fishery regulated by NAFO in the NAFO-regulated area.

268. **NEAFC** stated that it did not have any particular plan of action regarding the issue of incidental catch of seabirds in longline fisheries.

269. **IOTC** pointed out that the incidental catch of seabirds was not currently an issue in tropical tuna fisheries and was more of concern for CCAMLR and CCSBT in temperate zone fisheries.

270. **ICCAT** reported that incidental by-catches of seabirds were relatively minor in the Atlantic Ocean. Nevertheless, studies had been undertaken with a view to mitigating such incidental catches.

271. The **International Pacific Halibut Commission (IPHC)** stated that its involvement with seabird by-catch was rather limited because regulations pertaining to seabirds were contained in those of its Contracting Parties (Canada and United States), rather than those of the Commission. However, because by-catch of seabirds was an important issue for short-tailed albatross in the North Pacific, the Commission had undertaken some research activities on the issue, involving the census of seabird by-catch through logbook records of the halibut fleet.

272. IPHC noted however, that discrepancies in bird incidence reported among areas from the various data sources had led to the conclusion that such a census was unlikely to provide accurate records for all areas. Consequently, the Commission decided to conclude subsequently a contract with the United States National Marine Fisheries Service (NMFS) to provide profiles of the halibut fleet and its activities and to determine and make recommendations on the most effective means of monitoring the incidence of seabird by-catch in the fleet. The report would be a component of the NMFS determination of a suitable and cost-effective method to monitor the Pacific halibut fishery for seabird by-catch, in response to the regulatory requirement for reasonable and prudent measures to reduce seabird by-catch mortality in all fisheries. A report on that contract was due in December 2000.

4. Information provided by other intergovernmental organizations and convention secretariats

273. The **European Union** noted that under the work schedule relating to the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries the first draft of the EU plan would be submitted to the FAO Committee on Fisheries in February 2001. At the Community level, the member States and the Commission would work jointly to elaborate an EU draft plan on the subject.

274. **CMS** reported that at the Sixth Meeting of the Conference of the Parties (Cape Town, 1999) the Parties had adopted a resolution on southern hemisphere albatross conservation; Parties with breeding sites of albatrosses within their national jurisdictions were requested to cooperate on the development of an agreement for the conservation of southern hemisphere albatross. In addition, all States whose vessels were undertaking fishing activities within the CCAMLR regulatory area were requested to implement the Commission's conservation measures and all relevant States were encouraged to implement the FAO action plan on seabirds.

5. Information provided by non-governmental organizations

275. The **Humane Society of the United States** informed the Secretary-General that Humane Society Australia was a member of the threat abatement team for the Australian Longline Fishing Threat Abatement Plan. Humane Society Australia also served on the National Albatross Recovery Team and was involved in activities relating to the CMS Convention to ensure that the regional albatross agreement currently being negotiated was firm on dealing with longline fisheries. Moreover, the Humane Society of Australia had requested longline fishing to be included in the list of processes which were key threats to seabirds.

C. Conservation and management of sharks

1. Information provided by States

276. **Saudi Arabia** indicated that its fisheries did not specifically target sharks. However sharks which had been caught incidentally were the subject of a statistical record established in 1995, which indicated their quantities and sizes.

277. **Japan** stated that the Government was planning to draw up a domestic plan of action relating to the International Plan of Action for the Conservation and Management of Sharks.

278. **Norway** reported that the Norwegian Institute of Marine Research was participating in an EU project

concerning shark populations in relevant areas. As yet, the Institute had limited knowledge about the shark species concerned and was evaluating the possible need for monitoring the stocks through scientific surveys. Norway wished, however, to draw attention to the fact that during the past decade the catch of sharks by Norwegian vessels had been reduced.

279. **Cyprus** stated that the fishing methods used by its vessels were not aimed at catching sharks.

280. **Mexico** reported that since 1984 it had conducted a number of biological and fisheries research projects through the National Fisheries Institute on two types of shark in south-eastern Mexican waters. The main areas of investigation to date were: a regional breakdown of catches and the life cycles of the main species of shark; evaluation of stocks; determination of the characteristics of the different shark populations in the area under study and the mechanisms which regulated their numbers and distribution; description of the characteristics of fisheries on the Yucatan peninsula; assessment of the status of fisheries; and recommendations of standards for good fishery management.

281. In 1993, controls had been imposed on the issuance of commercial fishing permits to avoid an increase in the fishing effort and administrative provisions had been established for fishing gear specifications in commercial fishing permits, as part of the shark fisheries management policy. In 1996 a technical working group had been established within the National Advisory Committee on Standards for Responsible Fisheries to carry out analyses of fisheries and public consultations at the State level with the productive and academic sectors on both east and west coasts, and to analyse proposals for closed seasons and the regulation of fishing methods.

282. The above-mentioned work had laid the foundations for the elaboration of the Mexican Official Standard, which would regulate the exploitation of shark and related species in the waters under Mexican jurisdiction and on the high seas, as well as in waters under foreign jurisdiction by ships flying the Mexican flag. The objective of the new official standard, to be issued in August 2000, was to protect shark and related species, ensure their sustainable exploitation and encourage the conservation of protected species. It would also regulate the mesh sizes of gill nets, the technical specifications of longlines and closed seasons in breeding areas and during the mating season of various species.

283. **Denmark** stated that the EU, on behalf of the member States, had adopted the International Plan of Action for the Conservation and Management of Sharks. The recommendations therein were in accordance with the general elements contained in the Common Fisheries Policy of the European Community. Denmark added that the Greenland Home Rule Government was currently analysing to what extent the guidelines contained in the plan of action for sharks might be relevant for Greenland.

284. **Barbados** indicated that it had taken note of the International Plan of Action for the Conservation and Management of Sharks. It pointed out, however, that the conservation and management of sharks was not an issue for Barbados' longline fisheries.

285. **Guyana** reported that, in collaboration with the Caribbean Community (CARICOM) Fisheries Resource Assessment and Management Program (CFRAMP), it had been obtaining data on sharks from their regular data collection programme. Those data were restricted to catch/effort data only, in view of the fact sharks had been landed headless (heads removed at sea), making identification of some species of shark virtually impossible.

286. The **United States of America** indicated that it supported full implementation of the International Plan of Action through the development of national plans of action and would actively participate in the meeting of the FAO Committee on Fisheries in February 2001. The United States draft national plan of action was currently under internal review and comment; it was expected to be available for public comment in early July 2000. The United States National Marine Fisheries Service (NMFS) anticipated that the national plan of action should be finalized by the fall of 2000. NMFS believed that the development of national plans of action was only the first step towards the international management of sharks and that the next Committee on Fisheries meeting in February 2001 should be a forum to pursue options for bilateral, regional or multilateral agreements.

2. Information provided by specialized agencies of the United Nations system

287. **FAO** reported that it had prepared technical guidelines to support the implementation at the

national level of the International Plan of Action for the Conservation and Management of Sharks. The document, which was comprehensive in approach and addressed the legal, institutional and management framework requirements, human resources and capacity-building requirements, fishery management data and research, fisheries management and species conservation, and the implementation of the FAO action plan for sharks, would be disseminated by FAO before the end of 2000.

3. Information provided by regional and subregional fisheries bodies and arrangements

288. **ICCAT** reported that its Standing Committee on Research and Statistics had established a subcommittee on by-catches which had collected information on the various species of animals taken as by-catch in tuna fisheries, including a statistical system for sharks caught incidentally in the tuna fishery, a database for shark by-catches, the mandatory reporting of shark statistics by Contracting Parties and collaboration with other regional fisheries organizations that might be concerned with shark research.

289. **NAFO** reported that the Scientific Council and the Fisheries Commission of NAFO were currently working jointly to develop shark conservation and management plans for the NAFO regulatory area. For that purpose, NAFO Contracting Parties had been provided with an identification key table for deepwater sharks in the North Atlantic. A project was also under way to include sharks in a regular manual for NAFO observers at sea.

290. In addition, a NAFO representative had taken part in the FAO consultations on shark fisheries in October 1998.

291. **NEAFC** stated that it did not have any particular plans of action regarding the conservation and management of sharks.

292. **IOTC** indicated that the steps taken by the Commission to date relating to the conservation and management of sharks were limited to data collection.

293. **IATTC** reported that at its sixty-fifth meeting (La Jolla, United States, October 1999), the Parties had adopted a resolution on by-catch, in which they had noted that the appropriate provisions and recommendations of the FAO International Plan of Action for the Conservation and Management of Sharks should be considered an integral part of any by-catch management scheme adopted by IATTC. The working group on by-catch at its most recent meeting had recommended to the Commission that, to the extent practicable, fishermen on purse-seine vessels should be required to release, as soon as possible and unharmed, all non-target species, including sharks.

4. Information provided by other intergovernmental organizations and convention secretariats

294. The **European Union** noted that under the work schedule relating to the International Plan of Action for the Conservation and Management of Sharks a first draft would be submitted to the FAO Committee on Fisheries in February 2001. At the Community level, the member States and the Commission would work jointly to elaborate a draft EU on the subject.

5. Information provided by non-governmental organizations

295. The **Humane Society of the United States** reported that its Australian counterpart had been successful in its efforts to ban shark fishing in New South Wales. It was also seeking a nationwide Australian review of the process. The Humane Society of Australia had also worked to secure threatened species such as the great white and grey nurse sharks, and was currently participating in the national recovery teams for those species.

Notes

[1] All the communications, unless otherwise indicated, were provided to the Secretary-General through FAO on 3 August 2000.

[2] Note verbale dated 30 June 2000 from the Permanent Mission of Uruguay to the United Nations.

[3] Canada, Saint Kitts and Nevis, Georgia, Myanmar, Sweden, Madagascar, Norway, United States of America, Argentina, European Community, Namibia, Benin, United Republic of Tanzania, Mexico, Uruguay, Cyprus and Japan.

[4] Antigua and Barbuda, Barbados, British Virgin Islands, Dominica, Grenada, Montserrat, Saint Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines.

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Global implications of the year 2000 date conversion problem of computers

Evaluation of the outcome of the steps taken within the United Nations system and with Member States to resolve the year 2000 problem

Report of the Secretary-General*

Summary

This report provides information pursuant to General Assembly resolution 54/114 in which the Assembly requested the Secretary-General to evaluate the outcome of the steps taken within the United Nations system and with Member States to resolve the year-2000 problem. The report summarizes the submissions of the United Nations organizations, funds, programmes, and specialized agencies on their activities relating to year-2000 conversion preparations and the results.

* The present report is being submitted after the deadline owing to the need to compile inputs not received by the deadline from a number of organizations within the United Nations system.

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I. Introduction

1. Following its review of the report entitled "Steps taken within the United Nations system and with Member States to resolve the year 2000 date conversion of computers" (A/54/525), the General Assembly, in its resolution 54/114, requested that the Secretary-General report on the outcome of the steps taken within the United Nations system and with Member States to resolve the year-2000 problem. The present report has been prepared in response to that request.

II. United Nations

A. Headquarters

2. Actions taken by the United Nations during 1999 to address Y2K issues were outlined in the relevant report of the Secretary-General (A/54/525). The steps included the establishment of a management group and operational team to address Y2K issues at Headquarters and to coordinate the United Nations system response to the Y2K problem.

3. During the critical rollover period from 30 December 1999-3 January 2000, an interdepartmental crisis management team (CMT) was charged with the task of providing logistical, technical and communications support to facilitate decision-making in the event of a crisis. The focus of the crisis strategy was to ensure the safety of United Nations staff and to deal effectively with any potential emergency situation, particularly crises relating to international security, humanitarian affairs or peacekeeping issues. CMT was supported by a crisis response and analysis team (CRT) of senior technical and substantive staff that analysed incoming reports from the field and monitored all Y2K-related developments on a 24-hour basis in the Joint Situation Centre.

4. All duty stations throughout the world reported to the Joint Situation Centre at United Nations Headquarters during the rollover period. Member States, peacekeeping operations, and specialized agencies submitted reports indicating normal operations and no Y2K-related disruptions. The Y2K Situation Centre received reports from 158 offices located in 147 Member States, including periodic submissions from each reporting unit as follows: Africa, 173; Asia and Pacific region, 67; Latin America, 66; Arab States, 55; Europe, 80; Liaison Offices, 12. The reports showed that no significant Y2K disruptions occurred.

5. At United Nations Headquarters, information technology (IT) infrastructure remained fully operational and unaffected by the Y2K rollover. The entire computing and telecommunications infrastructure operated throughout the millennial transition without incident, as did all day-to-day office systems and critical services. As noted below, the United Nations achieved full Y2K readiness in terms of IT applications and infrastructure at all duty stations and experienced no problems. A significant contributory factor in the success of the United Nations preparations was attributable to implementation of the Integrated Management Information System (IMIS), which is fully Y2K compatible, at all duty stations.

6. The preparations for Y2K at the United Nations yielded several useful results which have improved overall productivity and readiness. For example, the cataloguing and inventory of the status of applications at Headquarters resulted in a more efficient means of identifying computing problems that require attention. Moreover, while the United Nations managed a successful millennial transition and was not required to respond to any serious problems, the Y2K project provided an opportunity to gain insights into emergency management which extend beyond the threat of IT failure. The Y2K efforts enabled the United Nations to identify mission-critical systems and to develop contingency plans for each of them. The overarching strategies benind Y2K contingency planning will be instrumental in the development of future disaster-recovery plans. Finally, during the preparations for Y2K a high level of cooperation and collaboration was forged between system agencies, and between headquarters and field duty stations.

B. Offices away from Headquarters and regional commissions

United Nations Office at Geneva

7. The Y2K strategy at the United Nations Office at Geneva went through a staged process involving the identification of vulnerable systems, the remediation of all critical systems and software, the dissemination of vital information to staff members, and the

development of contingency plans. The Division of Administration reported that the rollover was successful and that the implemented plans assisted the flow of information and served to reassure departments during the rollover period.

United Nations Office at Vienna

Office of Drug Control and Crime Prevention

8. The Y2K rollover produced no problem for the United Nations Office at Vienna or the Office of Drug Control and Crime Prevention, mainly due to the coordinated activities of all parts of the organization to identify and correct potential Y2K problems. Efforts in some areas, such as the development and maintenance of IT systems, commenced as early as 1996. As of June 2000, no Y2K-related problems had been reported.

United Nations Office at Nairobi

9. The United Nations Office at Nairobi implemented a comprehensive Y2K Programme and entered the new millennium with no reports of any significant incidents. The Y2K efforts, which entailed extensive contingency planning and the modification of critical systems, networks, and software, ensured a smooth rollover.

Economic Commission for Africa

10. The Y2K procedures enacted by the Economic Commission for Africa (ECA) were highly successful, and no problems were encountered either during or after the transition period. The entire operation which was undertaken collaboratively with the Information Technology Services Division (ITSD) (Office of Central Support Services, United Nations Secretariat) and the IMIS team in New York, involved extensive cooperation of ECA with both the United Nations and other specialized agencies in Ethiopia. The United Nations and ECA communicated throughout the Y2K project, and ECA provided support and guidance to other agencies as the rollover date approached. Many desktop computers and servers were replaced, and all operating systems were modified to ensure compliance. As a result of Y2K efforts, the IT system of ECA has been significantly upgraded.

Economic Commission for Europe

11. The Economic Commission for Europe (ECE) established an effective work plan to ensure a smooth transition and engaged in a comprehensive Y2K compliance process. The procedure entailed the verification for year 2000 compatibility of all automated systems. Non-compliant systems were replaced or upgraded. ECE management was involved in all phases of the Y2K compliance process, and an Intranet site was created to keep the staff informed of Y2K initiatives. The ECE local area network experienced no critical system failures and continues to function properly. As a result of the considerable time and effort spent, the organization was completely prepared for Y2K.

Economic and Social Commission for Asia and the Pacific

12. The Economic and Social Commission for Asia and the Pacific (ESCAP) engineered a straightforward and uneventful transition to the year 2000, having ensured full Y2K compliance of its vital computer hardware, software applications, and building facilities by the end of 1999. Although ESCAP was initially hampered by its obsolete computers, LANs, and software, it succeeded because of an early start in its Y2K efforts and the collaborative implementation of a Y2K remediation plan. The ESCAP Working Group on Year 2000 Preparedness maintained constant contact with the United Nations and with the Thai Government during the development of contingency plans.

Economic and Social Commission for Western Asia

13. To ensure Y2K compliance and a smooth transition to 1 January 2000, the Economic and Social Commission for Western Asia (ESCWA) took several preventative measures involving its computing systems. For example, all personal computers that were lower than the minimum standards stipulated by the ITSD for Y2K compliance were replaced.

14. During the critical week beginning 30 December 1999, ESCWA administration closely monitored all IT operations and initiated a comprehensive systems test. All LAN systems were backed-up as a fallback mechanism in the event of a Y2K-induced failure. As a result of its preparations, ESCWA met the year 2000

transition with minimal disruptions and without any corruption or loss of data.

III. United Nations funds and programmes

United Nations Conference on Trade and Development

15. The United Nations Conference on Trade and Development (UNCTAD) attributed its smooth transition during the rollover period to a high degree of preparedness resulting from extensive Y2K efforts. Coordinating these efforts with those of the United Nations Office in Geneva, UNCTAD hired additional technical staff and replaced obsolete equipment to ensure Y2K compliance. Essential data was preserved through backup measures, and a 24-hour Y2K hotline was established to share information and promote awareness throughout the organization.

United Nations Development Programme

16. The United Nations Development Programme (UNDP) experienced a successful Y2K transition, reporting only minor e-mail date problems on a few personal computers at headquarters and encountering no disruptions to the file servers at either headquarters or country offices. Concerning Member States, the UNDP Y2K Coordination Centre received a total of 616 reports covering 156 countries. UNDP country and liaison offices contributed 479 of those reports, with all of the country offices reporting. The remaining 137 reports were submitted by other United Nations missions and agencies. The country offices reported on minor disruptions in telecommunications, shipping, and banking services.

17. UNDP realized several beneficial outcomes from the Y2K preparatory process. They included the upgrading of file servers in 46 country offices, installation of mobile satellite telephone systems at an additional 37 country offices, verification of complete technical compliance of all corporate hardware and software, upgrading of the organizational infrastructure for emergency response capacity, and practical experience gained in contingency planning.

United Nations Office for Project Services

18. The United Nations Office for Project Services was an active participant in the Y2K-related initiatives organized by the United Nations and UNDP. It mounted its own aggressive Y2K compliance programme and developed materials that were distributed to project managers and partner organizations. The materials were also made available electronically via a help site maintained on the office Intranet. No significant Y2K-related incidents were experienced by the United Nations Office for Project Services or its project sites.

Office of the United Nations High Commissioner for Refugees

19. The Y2K strategy of the Office of the United Nations High Commissioner for Refugees (UNHCR) included updating all systems and hardware, enhancement of communication among field offices to improve awareness, and cooperation with other United Nations offices. In addition, a comprehensive Y2K transition plan was devised with the goal of monitoring the overall situation and the status of information technology and telecommunications problems in all UNHCR offices. Overall, the exercise proved beneficial because of the acquisition of updated software and the review of communication systems. No serious disruptions were experienced during the change of year.

United Nations Relief and Works Agency for Palestine Refugees in the Near East

20. The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) had a smooth error-free Y2K turnover; thus, the contingency sub-plans relating to areas such as hardware, operating systems, applications and the telephone switchboard were not utilized. The critical dates of 1 January and 29 February passed with no significant problems. Several glitches concerning the display of dates that did not affect the Agency's computer operations were detected. They were immediately fixed, and UNRWA overcame the Y2K challenge successfully.

World Food Programme

21. The World Food Programme (WFP) initiated an assessment of Y2K and its potential impact in 1996, by reviewing date storage methods in mainframe and

PC-based applications. That was followed in 1998 by the phased approach suggested by the Economic and Social Council, comprising awareness-building, inventory assessment, action plans and contingency plans. The Y2K project was promoted as a business management issue to ensure that the food pipeline for the hungry poor was not interrupted, that services available to WFP staff were protected, and that the operational environment was securely maintained.

22. WFP warehouses were stocked with the authorized levels of food commodities, as suggested by country directors. Thus, food availability was guaranteed for a minimum of three months in the event of an interruption in the food pipeline. Seaports, airports and railways were checked to ascertain Y2K compliance. Country offices worked within the resident coordinator system on various infrastructure issues.

23. On 1 January 2000, a selected group of 28 countries was called to ascertain the country status. No unusual developments were reported. All country and liaison offices reported on 3 and 11 January on a standard template about prospective disruptions in main areas. None suggested that the "millennium bug" would cause humanitarian disasters anywhere.

24. The high priority of the Y2K project made it an ideal opportunity for WFP to update, upgrade and harmonize its information technology and security systems within a short time-frame. The success of the project and the fact that no significant Y2K-related disruptions have so far occurred has given WFP staff at large a general sense of achievement and has reinforced the Programme's confidence in its ability to react to other potential emergency situations realistically and effectively.

United Nations University

25. The United Nations University (UNU) reported no Y2K-related incidents within its information system. Non-compliant equipment was replaced, and all-important data were backed up on the central servers at the UNU headquarters. While the Y2K rollover passed without disruption, the experience permitted an efficient monitoring of the general security of operations and a greater awareness of the level of mutual interdependence required to maintain support services. Y2K also created an opportunity for a closer examination of equipment and software specifications.

26. During the critical period immediately before and after the rollover date, the UNU LAN was isolated and disconnected from external connections, with a supplementary stand-alone server installed for use during the changeover. In addition, UNU maintained an overnight presence to report on potential glitches experienced both at the UNU headquarters and in Japan, one of the earliest countries to experience the Y2K rollover.

International Trade Centre

27. The International Trade Centre (ITC) experienced no problems attributable to Y2K, thanks to the extensive preparatory measures taken by the Centre since 1996. Those measures, which included producing detailed inventories of all computer hardware, software, and applications, frequent checks of Y2K system compliance, and upgrading network software, yielded long-term benefits in terms of office productivity.

International Computing Centre

28. In addition to extensive preparations, the ICC Management Committee of the International Computing Centre (ICC) ordered a precautionary shutdown of all its services on 31 December 1999 and restarted the services early on 1 January 2000 to permit a new set of tests and validations. These measures were undertaken successfully, and by the morning of 1 January 2000 ICC confirmed that all systems and facilities were functional. The resolution of Y2K required the establishment of detailed inventories of systems, software and hardware. The resulting inventories of information assets can now be used to focus future work on establishing common or convergent IT strategies across the system.

IV. Specialized agencies

International Labour Organization

29. The International Labour Organization (ILO) began its project on the year 2000 compliance in 1997. All mission-critical systems and components were reviewed and remediated at an early stage, providing ample time for comprehensive testing and implementation before the beginning of the new century. ILO faced no significant difficulties at the start of the new year.

30. Several ancillary benefits emerged from the Y2K issue. Preparations for Y2K compliance afforded the opportunity to review and re-engineer many computer functions and processes. In many cases, the new procedures increased the performance of computer operations, applications, and equipment. The replacement of older and obsolete desktop workstations increased productivity, and modernized computer applications have improved overall functionality. Moreover, the required enhancements to the computer operations environment have improved equipment capacity and provided additional management tools.

Food and Agriculture Organization of the United Nations

31. During the critical rollover period, the Food and Agriculture Organization of the United Nations (FAO) effected a partial shutdown of its IT facilities, a closure of its headquarters, and a security plan with the cooperation of the other Rome-based United Nations agencies. The start-up of all critical systems on 3 January revealed that all the Y2K remedial actions had been effective. Therefore, contingency measures that were in place did not have to be implemented. This smooth transition was the final outcome of a project launched in June 1997 during which the organization upgraded its IT equipment and systems and improved its building infrastructure in order to avoid any potential problems.

32. The rollover also went smoothly in the decentralized offices, as the telecommunication links with headquarters resumed normal operations at the end of the planned shutdown. The few minor glitches that FAO did encounter clearly demonstrated that the consequences would have been more severe had the organization failed to take the necessary preventive action.

33. The Y2K preparations also yielded several lasting benefits, including:

(a) An opportunity for replacing old and obsolete hardware and software earlier than otherwise would have been done, thus increasing the efficiency and reliability of the IT infrastructure at FAO;

(b) Greater standardization of the IT infrastructure and platforms, both at headquarters and in the decentralized offices, a situation which will result in improved user support;

(c) Elimination of old code and applications, which will simplify software maintenance functions;

(d) Extensive use of remote software updates, which have brought over 90 per cent of the PCs in FAO up to the same software versions on all standard software titles. This approach will be applied in future software rollouts with the aim of reducing deployment and support costs.

United Nations Educational, Scientific and Cultural Organization

34. The United Nations Educational, Scientific and Cultural Organization (UNESCO) took several preparatory steps to ensure that the year 2000 conversion was completed without incident. It focused its attention on mission critical systems, network servers and applications, and microcomputers. Those responsible for Y2K preparation work were particularly vigilant regarding field offices, where the preparation efforts were closely coordinated with other United Nations agencies at each location. UNESCO announced that it had developed contingency plans to confront any potential problems that might have arisen due to the complexity of the issues and to external variables beyond the control of the organization. UNESCO encountered no problems at either of the critical rollover dates in January and February 2000.

35. The coordination between UNESCO and the other organizations of the United Nations system proved particularly beneficial, as it produced an exchange of information, strategies, and tools. UNESCO acknowledged the invaluable assistance of both the Information Systems Coordination Committee (ISCC) and the leadership of the United Nations mission for Y2K, which played significant roles in the coordination.

International Civil Aviation Organization

36. The successful Y2K measures undertaken by the International Civil Aviation Organization (ICAO) resulted in a seamless and uneventful rollover to 2000. These measures resulted in upgrading or replacing non-compliant equipment and software and in testing and converting date-sensitive systems and applications. The upgrades and modifications during the months leading up to January 2000 resulted in a general improvement in overall capability and stability of IT systems. An

additional benefit was the development of a comprehensive inventory of systems and applications.

World Bank

37. The World Bank Group's year 2000 programme activities concluded at the end of February 2000. The Bank focused on:

(a) Outreach work with member countries, including the infoDev grant facility;

(b) A review of the Bank Group's lending portfolio, leading to the offer of fast-track Y2K loans;

(c) The verification of internal World Bank Group systems, which ensured that all systems and infrastructure would be operational, both at its headquarters and country offices in January 2000.

38. In addition, a management strategy and rollover plan was developed to guide Bank units at headquarters and country offices. A Y2K command centre operated around the clock from December 31 to January 3 to monitor the transition and resolve any Y2K-induced disruptions. No problems or disruptions to the Bank's business operations or projects occurred.

International Monetary Fund

39. The International Monetary Fund (IMF) reported that the Y2K transition took place with no major problems in its IT systems. The organization attributed the smooth rollover to its timely preparatory efforts which included a comprehensive inventory of both IT and non-IT systems, as well as periodic management reviews of the evolving Y2K plans. Furthermore, IMF conducted extensive testing of mission critical IT and building systems and devised contingency plans for use in the event of failure. The Fund reported that none of the member States drew upon the funding facility that the IMF had established for countries that encountered Y2K-related balance-of-payments problems.

Universal Postal Union

40. The Universal Postal Union (UPU) announced a successful transition to the year 2000 and had no reports of any significant problems in any member country. This lack of disruption was a testament to the substantial preparation efforts of the postal world in confronting the Y2K problem. The efforts included a special year 2000 working group to ensure the coordination of all Y2K activities, both within its headquarters and among UPU member countries, the distribution of progress reports, and the submission of questionnaires addressing the level of readiness among UPU member countries.

International Telecommunication Union

41. With the aid of a task force established under the auspices of the International Telecommunication Union (ITU) in March 1998, most international telecommunications carriers had completed their Y2K programs by mid-1999. The task force implemented a series of measures to ensure that no major disruption to the industry would occur as a result of Y2K, including the provision of support to telecommunications operators and carriers to achieve full Y2K compliance.

42. As a result of these initiatives, the transition was smooth throughout the industry, and ITU reported only minor cases of congestion at peak periods on international telephone networks and local cellular services. The minor incidents during the rollover period included slight service difficulties encountered by a carrier in Asia, a brief glitch in the billing software of a European operator, and a temporary disruption of printing capacity at an American cellular phone and pager business. All of these minor interruptions were rectified within days.

World Meteorological Organization

43. The World Meteorological Organization (WMO) experienced no negative impact of Y2K on the computer systems within the secretariat. In advance of the Y2K rollover, WMO moved its secretariat to a new facility that was equipped with Y2K-compliant computerized services and control systems. In addition, WMO took such steps as replacing obsolete hardware and upgrading standard software applications to ensure compliance with its IT systems.

44. WMO reports that there were no significant Y2K-related interruptions in the provision or quality of data and products generated by the worldwide meteorological services. This successful transition can be partially attributed to widespread information-sharing among the WMO, its members, and satellite operators.

World Intellectual Property Organization

45. The computer operations at the World Intellectual Property Organization (WIPO) encountered no

Y2K-related incidents during the transition to the year 2000, and its Y2K project ended on 31 March 2000. This successful outcome was a direct result of staff efforts and cooperation throughout the organization. Among the benefits of the Y2K measures were systematic upgrading of the IT infrastructure, consolidation of system documentation, and migration to a Y2K-compliant operating system. In addition, the Y2K project revealed several apparent weaknesses, such as inadequate documentation of operational procedures and the need to replace certain obsolete IT systems.

International Fund for Agricultural Development

46. The year 2000 compliance programme of the International Fund for Agricultural Development (IFAD) ensured a smooth transition into the new millennium. IFAD encountered no Y2K-related difficulties during the rollovers of 1 January 2000 or 29 February 2000. Monitoring has continued throughout the year.

47. The IFAD compliance programme comprised three planning stages: risk assessment; remedial action and validation testing; and contingency planning. In addition to securing a successful passage to the year 2000, each phase of the programme realized practical benefits, culminating in a comprehensive information security programme that minimizes the risk of IT failure. Furthermore, the Y2K contingency planning has become a model for the development of disaster-recovery plans for use in case of critical problems in carrying out IFAD functions.

International Atomic Energy Agency

48. The International Atomic Energy Agency (IAEA) undertook several measures to address the Y2K issue at headquarters and encountered no disruptions that affected the secretariat's information systems or infrastructure. Efforts centred on facilitating the exchange of information between departments as well as with other organizations of the United Nations system. The experience gained through Y2K-related activities will contribute to a higher quality of IT planning and operations within IAEA.

49. IAEA assisted member States by providing them with information and training. It focused on safety issues of nuclear power plants and research reactors, the safety of nuclear fuel-cycle and radioactive waste-management facilities, the safety of medical facilities that use radiation generators and radioactive materials. In addition, plans were implemented to address electricity grid performance and nuclear power plant operations, as well as the internal IT infrastructure. These efforts were instrumental in helping to ensure that nuclear power plants and research reactors around the world passed the 1999-2000 rollover safely. The collaboration between the Agency, member States, and other international organizations facilitated the sharing of information and minimized the duplication of work. IAEA also supported the review of national contingency plans to ensure their completeness and adequacy.

World Trade Organization

50. The World Trade Organization (WTO) addressed Y2K issues at an early stage and made all of the necessary modifications to ensure a smooth transition. WTO encountered no Y2K-related problems in 2000.

V. Member States

International Y2K Cooperation Centre

51. The International Y2K Cooperation Centre (IYCC) was established by Member States in February 1999 at a meeting of Y2K coordinators who believed there should be increased cooperation and communication among them on the Y2K date conversion problem. The mission of IYCC was to promote increased strategic cooperation and action among Governments, peoples and the private sector to minimize adverse Y2K effects on the global society and economy. IYCC was supported by the World Bank and donations from the United Kingdom of Great Britain and Northern Ireland, the United States of America, the Netherlands, Sweden, Canada, Switzerland, France, Italy, and Australia. A significant portion of the information contained below derives from an IYCC report, entitled "Y2K: Starting the century right!".

52. In response to the Y2K crisis, IYCC initiated the following measures to promote coordination and communication among Member States:

(a) IYCC provided a mechanism for the acquisition and dissemination of information

concerning the Y2K problem. The mechanism entailed the regular distribution of electronic bulletins sent to more than 400 correspondents in more than 170 nations. In addition, IYCC created and maintained a comprehensive web site that received over 9 million hits;

(b) IYCC implemented a flexible response network linking international organizations, the G-8 nations, the United Nations Emergency Response Coordinator, the World Bank, and the International Monetary Fund to ensure rapid assistance in the event of disruptions;

(c) Among the organizational initiatives of IYCC were 45 regional conferences, two United Nations-hosted global conferences of national Y2K coordinators, and joint planning and information-sharing with more than 20 other global organizations;

(d) IYCC organized a system of global networks by which Member States were classified into eight geographical regions to facilitate communication. Each region had a regional coordinator who was responsible for promoting cooperation and information-sharing among the countries in the region.

Asia

53. IYCC reports that the Asian regional group weathered the rollover in January 2000 with overall success, due to regional cooperation, information-sharing, commendable early leadership by the Philippines, Japan, and the Asia Pacific Economic Cooperation (APEC) forum. The region did experience minor Y2K glitches, and scattered, moderate disruptions in Pakistan and the Philippines.

Central America and the Caribbean

54. The Y2K coordinators in Central America and the Caribbean were well positioned, both nationally and regionally, to handle Y2K problems and to work together. Only two countries, Grenada and Nicaragua, reported minor glitches in governmental services. The region fared well as a result of the coordination and early preparations. In addition, the dependencies on technology were not high in most countries, and their common languages, close proximity and similar cultures made sharing timely information easier.

Eastern Europe and Central Asia

55. The Eastern Europe and Central Asia region initially appeared to be among the least prepared of the regional groups, having reported the latest average remediation completion dates. The region actively sought assistance from the international community to support national and regional Y2K initiatives. UNDP provided significant aid and support to the regional Y2K cooperation centre, and that assistance proved invaluable in helping the region to resolve Y2K problems. Thus the region managed a smooth transition to the year 2000, and IYCC reported no significant Y2K problems within the region.

Middle East and North Africa

56. As a region of great diversity and meagre resources for Y2K training, the Middle Eastern and North African region was forced to confront significant obstacles in their Y2K cooperation efforts. Although the region had one of the lowest reporting levels during the rollover, the 14 countries that shared reports indicated that the transition was a smooth one.

North America

57. The North American region fared very well during the transition to January 2000, since none of the three countries (Canada, Mexico, and the United States) reported any significant Y2K-related disruptions. The reasons for the success were attributable in large measure to the early preparations in most critical sectors, significant cooperation among the three countries, and a strong national programme in each country. The three achieved a high state of coordination and communication during the rollover period. For example, Canada and the United States exchanged observers in each other's coordination centres, and the Mexican and United States coordinators had regularly scheduled telephone conversations during the rollover. No disruptions were reported.

South America

58. The South American region weathered the Y2K problem with considerable success, reporting only minor incidents at local levels. The region benefited from early coordination efforts, efficient organization and information-sharing among the regional countries, and the diligent work of industrial-sector working

groups. All of the countries in the region had national programmes at an early stage, and this timely preparation led to the early formation of effective regional institutions, such as the Y2K Forum of South America and Mercosur, to confront the Y2K problem. The region also benefited from existing bilateral relationships between neighbouring countries which helped to form a foundation for collaboration in important areas such as energy, telecommunications, health and customs. The Forum, having achieved considerable success in respect to cooperation on Y2K, is currently investigating ways of continuing the collaboration in other areas of interest among South American Governments.

Sub-Saharan Africa

59. The sub-Saharan African region began its Y2K efforts relatively late and therefore faced significant obstacles, with little time to address problems. The variety of languages was another obstacle which resulted in delays in translation of documents and the non-availability of some Y2K tools in local languages. While some insignificant disruptions did occur, there were no widespread systemic failures in Africa. For example, the IYCC report indicates that Rwanda had problems in its custom systems, Zimbabwe had some problems with its municipal payroll systems, and Nigeria experienced a glitch in its refinery, but all these problems were either fixed or contingency plans were successfully implemented.

Western Europe

60. Western Europe was well prepared on both regional and national levels for the transition to the year 2000. The state of preparedness can be attributed to the intensive efforts by Governments and private-sector organizations and the efficient coordination between sectors and countries. Among Western European countries and their neighbours, cross-border dependencies in electric power and natural gas and the safety of nuclear power plants were the main areas of Y2K concern, leading to regional coordination and support. The region did encounter minor, localized disruptions in hospital equipment, financial institutions, and retailing.

VI. Conclusion

61. The General Assembly may wish to take note of this report.

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Establishment of a nuclear-weapon-free zone in the region of the Middle East

Establishment of a nuclear-weapon-free zone in the region of the Middle East

Report of the Secretary-General*

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* As the present report makes reference to the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.2000/28 (Parts I and II)), its final preparation was dependent upon the availability of that document in all official languages.

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I. Introduction

1. In paragraph 10 of its resolution 54/51 of 1 December 1999, the General Assembly requested the Secretary-General to continue to pursue consultations with the States of the region of the Middle East and other concerned States, in accordance with paragraph 7 of Assembly resolution 46/30 of 6 December 1991 and taking into account the evolving situation in the region, and to seek from those States their views on the measures outlined in chapters III and IV of the study annexed to his report[1] or other relevant measures, in order to move towards the establishment of a nuclear-weapon-free zone in the Middle East. In paragraph 11 of the same resolution, the Assembly also requested the Secretary-General to submit to it at its fifty-fifth session a report on the implementation of the resolution. The present report is in response to that request.

2. On 18 February 2000, the Secretary-General addressed a note verbale to all Member States drawing attention to paragraph 10 of resolution 54/51 and seeking the views of Member States on the matter. Replies were received from Egypt, Qatar and the Russian Federation; the text of the replies is reproduced in section III below. Any additional replies from Member States will be issued as addenda to the present report.

II. Observations

3. The Secretary-General notes that the issue of the establishment of a nuclear-weapon-free zone has received increased attention at the recently concluded 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Measures with regard to the Middle East, particularly the implementation of the 1995 Resolution on the Middle East, were outlined in the Final Document[2] of the Conference, which was adopted by consensus. They are as follows:

> "1. The Conference reaffirms the importance of the Resolution on the Middle East adopted by the 1995 Review and Extension Conference and recognizes that the resolution remains valid until the goals and objectives are achieved. The Resolution, which was co-sponsored by the depositary States (Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America), is an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons was indefinitely extended without a vote in 1995.
>
> "2. The Conference reaffirms its endorsement of the aims and objectives of the Middle East peace process and recognizes that efforts in this regard, as well as other efforts, contribute to, inter alia, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction.
>
> "3. The Conference recalls that in paragraph 4 of the 1995 Resolution on the Middle East the Conference 'calls upon all States in the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full-scope International Atomic Energy Agency safeguards'. The Conference notes, in this connection, that the report of the United Nations Secretariat on the implementation of the 1995 Resolution on the Middle East[3] states that several States have acceded to the Treaty and that, with these accessions, all States of the region of the Middle East, with the exception of Israel, are States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The Conference welcomes the accession of these States and reaffirms the importance of Israel's accession to the Non-Proliferation Treaty and the placement of all its nuclear facilities under comprehensive International Atomic Energy Agency (IAEA) safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.
>
> "4. The Conference notes the requirement under article III of the Non-Proliferation Treaty for non-nuclear-weapon States parties to conclude agreements with IAEA to meet the requirements of the statute of IAEA. In this regard, the Conference notes from paragraph 44 of the review of article III that nine States parties in the region have yet to conclude comprehensive safeguards agreements with IAEA and invites those States to negotiate such agreements and bring them into force as soon as possible. The Conference welcomes the conclusion of an Additional Protocol by Jordan and invites all other States in the Middle East, whether or not

party to the Treaty, to participate in IAEA's strengthened safeguards system.

"5. The Conference notes the unanimous adoption by the United Nations Disarmament Commission, at its 1999 session, of guidelines on the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned.[4] The Conference notes that, at that session, the Disarmament Commission encouraged the establishment of a nuclear-weapon-free zone in the Middle East, as well as the development of zones free from all weapons of mass destruction. The Conference notes the adoption without a vote by the General Assembly, for the twentieth consecutive year, of a resolution proposing the establishment of a nuclear-weapon-free zone in the region of the Middle East.

"6. The Conference invites all States, especially States of the Middle East, to reaffirm or declare their support for the objective of establishing an effectively verifiable Middle East zone free of nuclear weapons as well as other weapons of mass destruction, to transmit their declarations of support to the Secretary-General of the United Nations and to take practical steps towards that objective.

"7. The Conference requests all States parties, particularly the nuclear-weapon States, the States of the Middle East and other interested States, to report through the United Nations Secretariat to the President of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as to the Chairperson of the Preparatory Committee meetings to be held in advance of that Conference, on the steps that they have taken to promote the achievement of such a zone and the realization of the goals and objectives of the 1995 Resolution on the Middle East. It requests that the Secretariat prepare a compilation of those reports in preparation for consideration of these matters at the Preparatory Committee meetings and the 2005 Review Conference.

"8. The Conference requests the President of the 2000 Review Conference to convey the Final Document of the Conference, including its conclusions and recommendations, to the Governments of all States, including those States parties unable to attend the Conference and to States that are not party to the Treaty.

"9. Recalling paragraph 6 of the 1995 Resolution on the Middle East, the Conference reiterates the appeal to all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems. The Conference notes the statement by the five nuclear-weapon States reaffirming their commitment to the 1995 Resolution on the Middle East.

"10. Bearing in mind the importance of full compliance with the Non-Proliferation Treaty, the Conference notes the statement of 24 April 2000 by the IAEA Director General that, since the cessation of IAEA inspections in Iraq on 16 December 1998, the Agency has not been in a position to provide any assurance of Iraq's compliance with its obligations under Security Council resolution 687 (1991). The Conference further notes that IAEA carried out an inspection in January 2000 pursuant to Iraq's safeguards agreement with IAEA during which the inspectors were able to verify the presence of the nuclear material subject to safeguards (low enriched, natural and depleted uranium). The Conference reaffirms the importance of Iraq's full continuous cooperation with IAEA and compliance with its obligations."

4. The agreements reached at the 2000 Review Conference reaffirm the broad measure of support for the establishment of a nuclear-weapon-free zone in the region of the Middle East. The Secretary-General notes that at the Multilateral Steering Group meeting held in February 2000, the participating Foreign Ministers emphasized the importance of reaching an agreed comprehensive agenda for the multilateral Working Group on Arms Control and Regional Security. In this context, he believes that the Working Group could play a useful role as a forum for discussing a broad range of arms control, disarmament and confidence-building measures, including the establishment of a nuclear-weapon-free zone in the region, and expresses the hope that the parties of the region and other States concerned

will intensify their efforts so that formal activities of the Working Group might commence as soon as possible. The Secretary-General reaffirms the continued readiness of the United Nations to provide any assistance deemed helpful in this regard.

III. Replies received from Governments

Egypt

[Original: English]
[6 September 2000]

1. Egypt's commitment to the establishment of a nuclear-weapon-free zone in the Middle East is unquestionable. It was at the request of the Islamic Republic of Iran and Egypt that the item "Establishment of a nuclear-weapon-free zone in the Middle East" was first inscribed on the agenda of the General Assembly in 1974. Since that date, the Assembly has annually adopted a resolution, by consensus since 1980, on this matter. Throughout the years, Egypt has continued to play a leading role in promoting the objective of ridding the Middle East of the threat of nuclear weapons.

2. As a State party to the Treaty on the Non-Proliferation of Nuclear Weapons and a signatory to the African Nuclear-Weapon-Free Zone Treaty, Egypt has clearly and unambiguously demonstrated its rejection of the nuclear option, which represents a major threat to peace, security and stability in the Middle East. Today, Egypt notes that all States of the Middle East have become parties to the Non-Proliferation Treaty with the exception of Israel, which regrettably persists in ignoring repeated calls to joint the Treaty and to place all its nuclear facilities under IAEA full-scope safeguards, thereby perpetuating a dangerous imbalance in the region.

3. The importance given during the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to the establishment of a nuclear-weapon-free zone in the Middle East is yet another testimony to the commitment of the international community to the establishment of such a zone in the region. The 2000 Review Conference, further to the 1995 Resolution on the Middle East, adopted unanimously in its Final Document a reaffirmation of the importance of Israel's accession to the Non-Proliferation Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards, which reads as follows:[5]

> "The Conference recalls that in paragraph 4 of the 1995 Resolution on the Middle East the Conference 'calls upon all States in the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full-scope IAEA safeguards'. The Conference notes, in this connection, that the report of the United Nations Secretariat on the implementation of the 1995 Resolution on the Middle East[6] states that several States have acceded to the Treaty and that, with these accessions, all States of the region of the Middle East, with the exception of Israel, are States parties to the Non-Proliferation Treaty. The Conference welcomes the accession of these States and reaffirms the importance of Israel's accession to the Non-Proliferation Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of the universal adherence to the Treaty in the Middle East."

4. Egypt is cognizant of the fact that the establishment of a nuclear-weapon-free zone in the Middle East is a difficult task. Indeed, each region of the world has its own characteristics, and each zone must be tailored to suit those characteristics. However, Egypt does not share the view that full-scale peace and fully developed political and economic relations between all States of the region are a prerequisite for the commencement of negotiations on the establishment of a zone. If such an argument were correct, it is unlikely that the Treaty of Tlatelolco or even the Treaty of Pelindaba, would ever have been negotiated. Regrettably, conflicts continue to rage in various parts of Africa to this very day, yet such conflicts were not invoked as reasons to prevent negotiations on an African nuclear-weapon-free zone. To Egypt, experience has shown that the establishment of nuclear-weapon-free zones in areas of tension and conflict does indeed contribute to easing tensions, preventing conflicts and developing peaceful relations and mutual cooperation.

5. For a nuclear-weapon-free zone to come about in any area of the world, there must inevitably exist a regional commitment to this objective. Such a commitment is unquestionably present in the Middle

East, as is testified to by the annual adoption of a consensus resolution of the General Assembly on the matter and by the adoption of consensus guidelines by the United Nations Disarmament Commission at its 1999 substantive session on the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned. In this connection, Egypt notes with satisfaction that there is agreement that the establishment of a nuclear-weapon-free zone in the Middle East, as well as the development of a zone free from all weapons of mass destruction, should be encouraged. Egypt considers that it is imperative that these commitments be turned into concrete actions if it is to have a determining and positive impact on the Middle East peace process.

6. Making negotiations on a Middle East nuclear-weapon-free zone contingent upon an ever-growing list of prerequisites is a sure recipe for failure. In Egypt's view, the only prerequisite for negotiations to commence on the establishment of a zone in the Middle East is that States in the region have the political will to sit together and commence negotiations. Viewing the Middle East nuclear-weapon-free zone as no more than an act that "sets the seal on a durable peace" is not a vision that is shared by Egypt. A Middle East nuclear-weapon-free zone is in and of itself an important confidence-building measure and an act of political reconciliation. Furthermore, arguing that fully fledged relations of peace must exist before talks on such a zone can commence, while at the same time persisting in maintaining a nuclear option, clearly appear as two mutually exclusive and contradictory arguments. In a region as volatile as the Middle East no solid and durable peace can be achieved while a nuclear threat continues to loom over the region.

7. Egypt will continue to pursue the objective of establishing a nuclear-weapon-free zone in the Middle East at the earliest time and in this context will continue to seek the support of regional and extra-regional States. Furthermore, Egypt will continue its endeavours in realizing the objectives of establishing such a zone based on the outcome of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. It will also pursue its April 1990 initiative for the establishment, in the Middle East, of a zone free from all weapons of mass destruction. In its endeavours, it will continue to seek the support of the international community and of all those who are committed to ridding the world, at both the regional and the global levels, of the threat of nuclear weapons.

Qatar

[Original: Arabic]
[7 June 2000]

1. The relevant authority in the State of Qatar (the Ministry of Defence) states that the measures set forth in sections III and IV of the study annexed to the report of the Secretary-General of 10 October 1990 under the item entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East" (A/45/435) are as follows:

(a) The States of the region should not possess nuclear weapons;

(b) No State should station nuclear weapons in the geographical area of the region;

(c) There should be no use or threat of use of nuclear weapons against targets located in the region.

2. The Ministry of Defence (the General Command) endorses such measures, which would ensure the non-proliferation of nuclear weapons in the region. It has no further comments to make.

Russian Federation

[Original: Russian]
[12 June 2000]

1. The Russian Federation is a principled supporter of the establishment of a nuclear-weapon-free zone in the Middle East; the idea was first put forward by us in 1958. The establishment of such a zone is in keeping with the long-term national interests of the States of the region and would be a significant step towards strengthening international peace and security and achieving the objective of nuclear disarmament as proclaimed in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons.

2. We are convinced that the realization of the idea of a nuclear-weapon-free zone in the Middle East will be possible only when all countries of the region without exception become parties to the Treaty on the Non-Proliferation of Nuclear Weapons. As is well known, Israel is currently the only State of the region

that is not a party to the Treaty on the Non-Proliferation of Nuclear Weapons. In the light of this fact, the Russian Federation strongly supported the appeal by the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to interested countries of the region to accede to the Treaty and, prior to the establishment of a nuclear-weapon-free zone in the Middle East, to place their nuclear activities under the safeguards of the International Atomic Energy Agency. We believe that this would be an important practical step towards the establishment of a nuclear-weapon-free zone in the Middle East.

3. At the same time, the differences of opinion concerning the idea of a nuclear-weapon-free zone in the Middle East and its expanded variant, a zone free of weapons of mass destruction, can essentially be settled only at the multilateral level, with appropriate guarantees from the nuclear Powers. In our view, the discussion of the parameters of the nuclear-weapon-free zone in the Middle East, including the question of monitoring the effectiveness of its regime, should be organized on a basis acceptable to all interested parties and should include the participation of the United Nations.

4. The best forum for this could be the Working Group on Arms Control and Regional Security. We are continuing our search for ways of including the related problems in an official agenda and breaking the deadlock in the work of the Group as a whole. The meeting of the Steering Group in Moscow in February 2000 underscored the importance of working out an agreed comprehensive agenda for the Working Group on Arms Control and Regional Security, calling upon the regional parties to intensify their efforts to reach, with the assistance of the co-sponsors, appropriate agreements and to resume official activities within the Group. The Russian Federation, as a co-sponsor and one of the main co-founders of the Working Group on Arms Control and Regional Security, is particularly interested in seeing the implementation of the recommendations of the Moscow meeting of the Steering Group.

Notes

[1] A/45/435.

[2] NPT/CONF.2000/28 (Parts I and II).

[3] NPT/CONF.2000/7.

[4] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 42* (A/54/42), annex I, sect. C.

[5] NPT/CONF.2000/28 (Parts I and II), para. 16/3.

[6] NPT/CONF.2000/7.

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The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development

United Nations Verification Mission in Guatemala

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 54/99 of 8 December 1999, by which the Assembly authorized the renewal of the mandate of the United Nations Verification Mission in Guatemala (MINUGUA) originally set out in resolution 51/198 B of 27 March 1997, in order for the Mission to continue to verify compliance with the peace agreements signed between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG). By resolution 54/99, the General Assembly renewed the mandate of the Mission from 1 January to 31 December 2000 and requested me to submit recommendations with regard to the peace process after that date.

2. On 31 July, I informed the President of the General Assembly (A/54/950) that I had appointed Mr. Gerd D. Merrem as my Special Representative and Head of MINUGUA, effective 1 August 2000. Mr. Merrem succeeds Mr. Jean Arnault, who was appointed as my Special Representative for Burundi.

II. Background

3. March 2000 marks the tenth anniversary of the direct involvement of the United Nations in the Guatemalan peace process, which began with the appointment of a Representative of the Secretary-General as observer of the activities to be carried out under the Basic Agreement for the Search for Peace by Political Means, signed in Oslo on 29 March 1990 (A/45/706-S/21931, annex III).

4. This involvement was in response to the expressed wishes of the parties and to the commitment of the international community to the Central American peace process initiated under the Esquipulas II Agreement (A/42/521-S/19085, annex). The signing of the Agreement on a Firm and Lasting Peace (A/51/796-S/1997/114, annex II) in December 1996 placed Guatemala on a path of progress towards inclusive democracy, equitable development and respect for human rights and cultural diversity. The peace agreements provided the framework for the peace-building process in Guatemala, within which MINUGUA received a mandate aimed at supporting this process.

5. The 1996 agreements signed by the Government of Guatemala and URNG contained an overarching set

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of detailed commitments on political, legislative, social, economic, agrarian, military, public security, indigenous and human rights issues, which were consolidated into a comprehensive peace agenda.

6. The Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements (A/51/796-S/1997/114, annex I) stressed that international verification was essential to the implementation process and to strengthening public confidence in the consolidation of peace. MINUGUA, which until then had been limited to verifying the Comprehensive Agreement on Human Rights (A/48/928-S/1994/448, annex I) and the human rights aspects of the Agreement on Identity and Rights of Indigenous Peoples (A/49/882-S/1995/256, annex), was therefore requested by the parties to further expand its functions to verify all the signed agreements. They also asked that the Mission's functions comprise good offices, advisory and support services and public information. Furthermore, the parties requested that the duration of the mandate of MINUGUA be concurrent with the implementation timetable, namely, four years, or until 31 December 2000.

7. The Timetable agreement had envisaged a calendar for implementation which consisted of three consecutive phases covering the period from 1997 to 2000: (a) the demobilization of URNG members and the establishment of commissions for the reform of the justice and electoral systems, as well as the promotion of indigenous rights and the modernization of the legislative branch; (b) social and productive investment, modernization and decentralization of the State, public administration reform, rural development, fiscal reform and the restructuring of public security and national defence; and (c) further developments in the implementation and promotion of broad administrative and legislative reform.

8. The four years foreseen by the parties for completion of the implementation started in 1996 with the signing of the Agreement on a Firm and Lasting Peace. Beginning in 1998, but more pronounced in 1999, the Mission witnessed a deceleration of the implementation process. It is encouraging that President Alfonso Portillo, when taking the oath of office in January 2000, stated that the agreements represented a "State agreement" and that his Government was committed to reinvigorating the peace process with social policies and the agreements as their central pillar. In February 2000, during his visit to Guatemala to meet with the new authorities, the Under-Secretary-General for Political Affairs, Mr. Kieran Prendergast, noted with satisfaction that there was broad support in the new Government to continue and expand implementation of the pending commitments of the peace agenda.

III. Furthering the consolidation of the peace-building process in Guatemala

9. Owing to the relevance and extent of the outstanding agenda, the parties have requested the United Nations to continue to support the consolidation of the peace process until 2003. There is a considerable number of commitments that remain to be fully accomplished in this third phase (1998-2000), which will necessitate monitoring the further implementation of the agreements, with a special focus on socio-economic issues, rural development, strengthening of civilian power and various forums for increased citizen participation. The implementation of the agreements is to be based on a revised calendar currently under consideration by the Commission to Follow up the Implementation of the Peace Agreements (Follow-Up Commission). A final date for completion of this exercise is not yet available, but the Follow-Up Commission is expected to reschedule pending commitments and establish timelines for items that were not initially included in the agreement.

10. For the next phase, the Follow-Up Commission has identified the following priority issues: (a) human rights and national reconciliation; (b) civil-military relations and military reform; (c) reform of the judicial system; (d) indigenous people and inter-cultural relations; and (e) rural and social development policies.

11. In order to endorse this official request to the United Nations, the parties, in a joint Government-URNG delegation, carried out extensive consultations with the Group of Friends of the Guatemala peace process (Colombia, Mexico, Norway, Spain, United States of America and Venezuela) and the United Nations Secretariat. There is agreement that the next phase of implementation should address the root causes of the armed conflict, such as discriminatory social policies, the exclusion of the indigenous population and stark economic inequalities.

12. Wide consensus exists on the need to continue supporting and consolidating the progress already achieved under the peace agreements. In this regard, the Mission has been requested to continue its activities in 2001 and 2002, albeit on a reduced scale, with a further scaling down of its operations in a concluding phase in 2003, which is an electoral year.

13. This three-year period will lay the groundwork for strengthening coordination within the United Nations system and with other partners of the international community, since they need to fully integrate the peace agenda into their activities. Indeed, this process began with the incorporation of this perspective into the United Nations Development Assistance Framework, and will continue with efforts to define mechanisms for inter-agency cooperation, which will incorporate the peace agenda as its overarching framework.

14. The recommendations contained in the present report are focused on 2001, as the calendar for implementation through 2003 has yet to be finalized by the Follow-Up Commission. Similarly, although discussions with United Nations agencies and programmes have taken place both at Headquarters and in the field, the establishment of operational arrangements for cooperation will be developed in greater detail and finalized during the coming months.

IV. Status of implementation

15. In my fourth and fifth verification reports (A/54/526 and A/55/175, respectively), I referred to the challenge of continuing the peace process, from the standpoints of consolidating the achievements to date and completing the outstanding agenda. Progress in the implementation of the peace process has been uneven and significant components of the peace agenda are yet to be undertaken. In that context, progress is evident in the growing strength of the political system, in the full reintegration of URNG to political life and in the institutional reforms initiated in several areas, including the creation of the new civilian police and the increase in social spending.

16. However, important aspects of the peace agenda still remain unfulfilled and, therefore, require the continued engagement of the international community with Guatemala. This unfulfilled agenda includes, among other issues, fiscal reform, the reform of the electoral system and the armed forces, as well as specific aspects related to public security. In addition, the labour situation, the indigenous situation, the housing situation, the sustainable reintegration of uprooted and demobilized population and the problems of compensation and national reconciliation remain outstanding. The failure to tackle them effectively would continue to have a serious impact on the implementation of the peace process.

17. In resolution 54/99, the General Assembly considered my report of 10 March 1999 (A/54/853) and called upon the Government to redouble its efforts in the promotion of human rights in view of the persistence of important shortcomings registered in the implementation of the Comprehensive Agreement on Human Rights. The resolution also took into account the report of the Commission for Historical Clarification of February 1999 (A/53/928, annex) and called upon the Government to follow its recommendations with a view to promoting national reconciliation. The Assembly underscored that meeting the tax revenue targets was essential for the implementation of the peace agreements and encouraged the parties and sectors of Guatemalan society to continue efforts to achieve the goals of the peace agreements. The Assembly invited the international community and, in particular, the agencies, programmes and funds of the United Nations, to continue to take the implementation of the peace agreements as the framework for their technical and financial assistance programmes and projects.

18. For the first time since the signing of the peace agreement, Guatemala carried out general elections in November-December 1999 with participation of the URNG as a political party. The electoral process involved the entire political spectrum and was an important benchmark in establishing a broad democratic system in Guatemala. The peaceful transfer of power signalled significant progress towards democracy and the creation of an inclusive political system.

19. As part of the human rights verification mandate of MINUGUA, the Mission observed the exercise of political rights during the electoral period and noted significant improvements in the administration of the election and a moderate increase in citizen participation. The Mission did, however, highlight the central importance of needed amendments to the Law on Elections and Political Parties which is a

requirement of the peace agreements and necessary for the full exercise of political rights in Guatemala. In his inauguration speech on 14 January, the newly elected President, Alfonso Portillo, of the Frente Republicano Guatemalteco (FRG) stated that his administration would further strengthen democracy and national reconciliation and confirmed that the protection and promotion of human rights would take centre stage.

20. MINUGUA has continued to submit periodic reports on compliance with the Comprehensive Agreement on Human Rights. On 21 December 1999, I transmitted to the General Assembly the tenth report of MINUGUA on human rights (A/54/688, annex), which covered the period from 1 January to 30 November 1999. The Mission also prepared and issued in Guatemala three appendices to the report focused on specific human rights cases (including the as yet unresolved Gerardi case), trends in human rights violations, such as mob lynchings of presumed criminals, as well as a statistical breakdown by types of violations and their perpetrators, and on the functioning of the judicial system. The eleventh report of MINUGUA on human rights, covering the period from 1 December 1999 to 30 June 2000 (A/55/174, annex), was transmitted to the General Assembly on 26 July 2000.

21. The high priority given by the present Government to national and international human rights obligations is commendable. Since taking office, the Portillo Government has recognized the State's responsibility in 52 cases before the Inter-American Commission of Human Rights. The State has also agreed to explore their friendly settlement in compliance with the American Convention on Human Rights (Pact of San José). Also, in an unprecedented and welcome move on 9 August, the Government signed a settlement by which it not only recognized its responsibility in 10 grave human rights violation cases, but also agreed to provide individual reparations. The Presidential Commissioner for Human Rights has also declared the State's willingness to sign international human rights treaties.

22. These positive developments notwithstanding, a qualitative deterioration of the human rights situation appears to be under way: whereas individual complaints have declined significantly, human rights workers, journalists and judicial officials assigned to cases of past violations currently in the Guatemalan court system are subject to intimidation, harassment and threats directly related to their work. The Mission's verification points to the National Civil Police as the main perpetrator in serious cases of extrajudicial executions, torture and as participants in "social cleansing" campaigns.

23. MINUGUA also noted that, in view of the perceived weakness of the civilian public security apparatus, measures such as joint military-civil patrols are not conducive to the demilitarization of society, as stipulated under the signed agreements. They delay fundamental changes in the role of the army and fail to strengthen civilian institutions. While the Government has declared its intention to dismantle the Presidential Military Staff and reform the Secretariat for Strategic Analysis, it has not done so to date. In addition, the pattern of impunity continues to persist, while shortcomings in the Judiciary lead to a significant number of violations of due process. Parallel investigations by other government institutions at times hinder investigations.

24. During the past year, MINUGUA has monitored the implementation of the 84 recommendations of the Clarification Commission handed over to my Special Representative on 25 February 1999. In the light of this, the current Congress declared 25 February "Victims of Violence Day". One of the Commission's central recommendations was to establish a special entity entitled the Commission for Peace and Harmony, composed of civil society groups and government bodies. That Commission was to follow up on other recommendations of the report and to pursue avenues towards national reconciliation, including additional exhumations of mass graves and the search for the disappeared, including children. To date, Congress has not approved a bill establishing the Commission for Peace and Harmony.

25. A detailed analysis of progress made in the implementation of the entire body of the peace agreements since the adoption of resolution 54/99 was presented in my fourth verification report to the General Assembly (A/54/526), covering the period between 1 August 1998 and 31 October 1999. The Mission highlighted the need for electoral, fiscal, judicial and military reform and the need to pay special attention to commitments in the areas of labour, housing, sustainable integration and resettlement of the uprooted and demobilized population.

26. With regard to education and health issues, MINUGUA called for increased spending and improved services in areas with the most pressing problems, while taking into account the multicultural, multilingual and multi-ethnic character of the country's population. It also encouraged concerted efforts to increase opportunities for participation at different levels and in mobilizing greater resources for democratization and social development. The fourth verification report also contained two supplements, one detailing the state of implementation of each commitment and a second covering specifically the socio-economic aspects of the agreements.

27. One of the most significant accomplishments registered was in the fiscal policy area, and as such, was reported in my fifth verification report (A/55/175) covering the period from 1 November 1999 to 30 June 2000. I welcomed the finalization of the Fiscal Pact for a Future with Peace and Development which establishes an important basis for beginning efforts to raise tax-to-gross domestic product ratio to 12 per cent (from the current 9 per cent) by 2002, in order to allow the State to increase public spending on the peace agenda. The Fiscal Pact process successfully involved all sectors of society, including private business, political parties, government and civil society groups. Currently, negotiations are under way to change levels of taxation and I am optimistic that the parties involved will reach agreements that will help to fund essential aspects of the peace agenda.

28. The establishment by decree of the Women's Secretariat also represents a positive development which demonstrates Guatemala's commitment to strengthen national mechanisms for the advancement of women. As to the armed forces, there has been important redeployment in accordance with the agreements, but the elaboration of a new military doctrine with the participation of civil society groups is pending. There has been increased attention to public security matters which highlight the need for further judicial reform to combat impunity, reinforcement of operational capacities and training of the National Civil Police, as well as the design of an integral security policy, including the Security Advisory Council. Similarly, policies and laws that encourage the peaceful resolution of labour conflicts within the framework of international norms and standards, and that protect collective bargaining opportunities, are needed.

29. I reiterate the importance of fully implementing the Agreement on the Identity and Rights of Indigenous Peoples as a central pillar for achieving lasting peace in Guatemala. The historic discrimination and exploitation of the indigenous population has adversely affected the exercise of their political rights, thus undermining their participation in the democratic endeavour of consolidating the peace-building process. The construction of national unity, based on the multicultural, multi-ethnic and multilingual character of the country, is essential. The results of the national referendum held in May 1999 affected those provisions of the Indigenous Agreement that require amending the Constitution. It is therefore important to undertake additional efforts to approve legislation conducive to further progress in the implementation of indigenous rights.

30. As part of its public information mandate, and in order to disseminate the findings gathered during the course of its verification work, MINUGUA has issued three thematic reports and two book-length studies on the functioning of the judicial system in Guatemala. The first report, released in April 2000, focused on the penitentiary system and contained recommendations in line with international standards. The second report, issued in June 2000, was devoted to labour issues, and the third report, released in May 2000, covered land issues. The two book-length reports, entitled "Judicial decisions in Guatemala: an analysis of sentences issued by the courts" and "The functioning of the judicial system in Guatemala: an analysis of institutional patterns", respectively, were both released in June 2000.

V. Structure and staffing of the Mission

31. In my report of 13 September 1999 (A/54/355), I informed the General Assembly about the way in which the changes authorized in resolution 53/93 of 7 December 1998 had strengthened the Mission's ability to carry out its complex mandate. On that basis, the proposed changes foresaw modest variations in the regional structure of the Mission in 2000, featuring a more flexible distribution of resources without altering its geographical deployment.

32. For the 2001-2003 period, I propose to scale down the operation, starting with an important

reduction in staffing (international and national), which will ensure substantive savings in 2001. The achievements already registered in the implementation of the peace process, which have resulted in substantial reductions in individual complaints, form the basis for an important restructuring of personnel. Regional offices and suboffices will be redeployed without sacrificing geographical coverage, to ensure the continuing presence of MINUGUA, mainly in conflict-prone areas. In order to ensure a steady transition through this three-year period towards a nationally driven process, the Mission's functions are being refocused with the aim of strengthening national actors, both governmental and non-governmental, as they are essential to carry through the various initiatives that are currently under way but which fall short of the spirit and letter of the peace agreements. With its reconfigured structure, the Mission will continue to assist the parties in providing good offices, verification, assistance in specific fields and public information.

33. In 2001, the Mission will reconfigure its field presence. The regional offices of Coban, Guatemala City, Petén, Quetzaltenango, Quiché and Zacapa will remain unchanged. The regional offices of Huehuetenango and Sololá will be converted into suboffices, under the coordination of the Quetzaltenango Office, adding to the already existing two suboffices in Cantabal and Nebaj. The suboffices in Barillas and Poptún will become mobile offices and the San Marcos suboffice will be closed. Three mobile offices will continue to operate in Coatepeque, Escuintla and Mazatenango. In short, the Mission will have a total of six regional offices (reduced from eight), four suboffices (reduced from five), and five mobile offices (increased from three).

34. In view of the restructuring, the number of political affairs officers and United Nations Volunteers will be reduced by approximately 45 per cent. Given the nature of advances since the signing of the agreements and the nature of the remaining peace agenda, an 80 per cent reduction of military and police observers is foreseen. Corresponding reductions of 40 per cent in international and national administrative support staff are also envisaged. This will result in an overall 45 per cent decrease in Mission staff, both at headquarters and in the regional offices.

35. The structure of the Mission's headquarters will continue to consist of four substantive areas, namely: (a) Human Rights; (b) Juridical Affairs; (c) Socio-economic Affairs, Resettlement and Incorporation; and (d) Public Security and Military Affairs. In addition, special units focusing on cross-cutting themes, such as participation, indigenous affairs, women's issues and decentralization, will allow input in each thematic section. The Public Information Office will remain unchanged. The offices of the Military and Police Advisors will merge under Public Security and Military Affairs. One police observer will be assigned to each regional office and the remainder will be based at headquarters.

36. With a view to enhancing cooperation within the United Nations system, both in terms of strategic guidance and operational arrangements in a peace-building context, MINUGUA will begin a gradual transfer of projects, funded by an existing trust fund for peace in Guatemala, to relevant United Nations agencies. The Mission will, however, continue to guide core projects to ensure their timely implementation and coherence with the overall MINUGUA strategy and the priorities established by the Follow-Up Commission. The Mission will provide, with the parties' consent and advice, specific technical support to other entities (non-governmental organizations and State structures) involved in the implementation of the peace agreements, in order to strengthen national capacities.

37. In this context, the priority areas are the following:

(a) *Human rights and justice.* The Human Rights and Juridical Affairs sections will verify human rights in priority areas as defined by the parties in the Comprehensive Agreement on Human Rights, in order to inform the Secretary-General and recommend improvements, as appropriate. They will also focus on working together with the Office of the Human Rights Council and judicial organs to strengthen key institutions and to pave the way for the Mission's eventual drawdown during 2003. The Mission will verify application of due process and offer assistance in the modernization, reform and strengthening of the judicial system through mechanisms established under the peace agreements.

(b) *Socio-economic affairs, resettlement and incorporation.* The corresponding section will verify the Agreement on Social and Economic Aspects and the Agrarian Situation, the Agreement on the Basis for the Legal Integration of the URNG and the Agreement

on Resettlement of the Population Groups Uprooted by the Armed Conflict. At the request of the parties, it will offer expertise and assistance for the formulation of a national consensus and programmes on housing, education, rural development and labour issues. It will also verify the Fiscal Pact and the Political Agreement signed between the business sector and the social organizations.

(c) *Public security and military affairs*. The Guatemalan armed forces are currently undergoing a process of transformation with regard to their functions and deployment. A new doctrine is expected to bring it in line with the peace agreements. The section will verify relevant issues that are part of the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society. With relation to public security, the section will verify reorganization, operational modalities and capacity, as well as the deployment of the National Civil Police, and provide technical expertise. The Government has reaffirmed its intent to dismantle the intelligence structures in accordance with the agreements signed. The section will verify this process and provide expertise in the formulation of laws and regulations for these institutions.

38. In addition, specialized units will work on the cross-cutting themes of women's issues and indigenous affairs, as part of the Agreement on Identity and Rights of Indigenous Peoples.

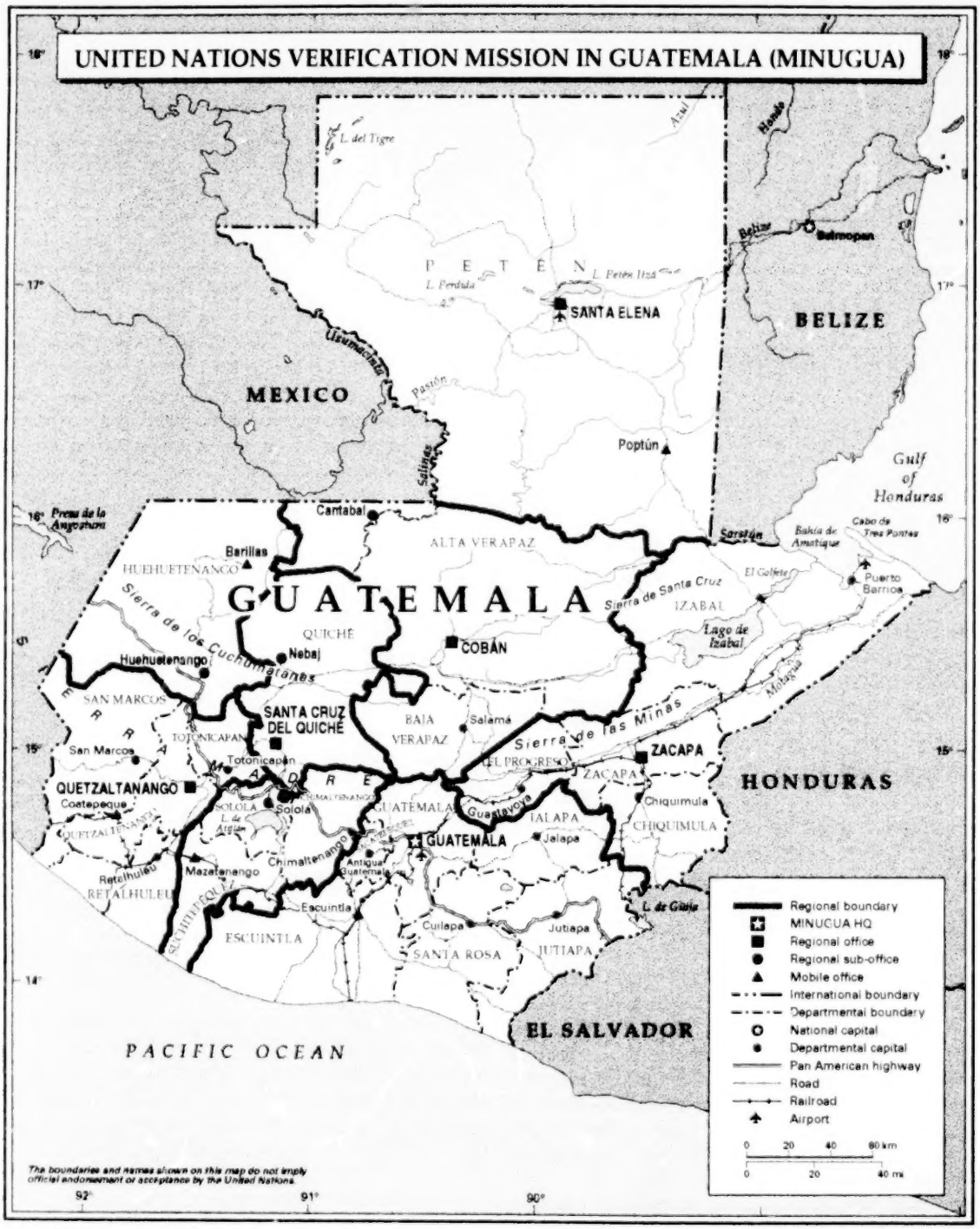
VI. Observations

39. Guatemala is facing an important test of its determination to fulfil the peace agenda. The holding of the first general elections following the signing of the Agreement on a Firm and Lasting Peace, with the participation of the entire political spectrum, marked a new stage in the peace process. In this context, it is necessary to consolidate what has already been achieved and to move ahead on the implementation of the broad outstanding agenda. The United Nations remains fully committed to the completion of a process initiated ten years ago, well before the peace agreements were signed. The United Nations system as a whole has played an important constructive role in support of the implementation of those agreements. Full compliance with the peace agreements represents the best tool for preventing jeopardizing the key achievements of the last four years. In this regard, I wish to call upon the Guatemalan authorities, the political parties and the various trade unions, indigenous, women's, business, peasants', academic, human rights and other organizations of civil society to redouble their efforts for the building of a culture of dialogue and the consolidation of peace in Guatemala.

40. In view of the failure of the parties to complete the implementation agenda by 31 December 2000, the implementation calendar is being readjusted by the Follow-Up Commission. I am hopeful that the new timetable will be realistic and strictly adhered to. I should like to note that the delays in implementation have revealed that, by tackling the root causes of the conflict, the peace agenda established the foundations for the qualitative transformation of Guatemalan society towards democratization. It has become equally clear that the implementation process faces complexities that were not anticipated by the parties to the agreements; it is a challenging process for the society as a whole.

41. I am encouraged by the strong commitment that the newly elected Government of Guatemala and URNG have shown to fully implementing the peace agenda, by placing it at the forefront of their political agenda until 2003. The upcoming period is critical for achieving the in-depth institutional and legislative reforms associated with implementation of that agenda. Both parties consider the contribution of MINUGUA, through an extended though reduced presence until 2003, essential for completing the multifaceted exercise of peace-building initiated four years ago. In this endeavour, MINUGUA will continue to liaise with the international community and the United Nations system. This will establish a solid base for the United Nations agencies and programmes to focus on the centrality of the peace agreements after the conclusion of the mandate of MINUGUA. This trend will increase as modalities and mechanisms for closer cooperation are progressively defined for the upcoming period up to and including 2003.

42. Based on the considerations outlined in the preceding paragraphs, I recommend that the General Assembly authorize the renewal of the mandate of MINUGUA from 1 January until 31 December 2001, subject to regular reports on progress in the implementation of the commitments contained in the peace agreements, and that the Mission be provided with the necessary resources.



Map No. 3839 Rev. 6 UNITED NATIONS
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